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DEPARTMENT OF EDUCATION  
STATE OF ALABAMA

# ALABAMA SCHOOL CODE

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Alabama. Laws, statutes, etc.



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1927

DEPARTMENT OF EDUCATION  
STATE OF ALABAMA

ALABAMA  
SCHOOL CODE  
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## THE PARENT OF THE EDUCATIONAL LAWS OF THE SEVERAL STATES AND OF THE UNITED STATES OF AMERICA

"Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

### (Note of Explanation)

The above is part of Article 3 of the Great Ordinance of 1787 which provided for the government of the Territory of the United States northwest of the Ohio River. This Ordinance is two years older than the Constitution of the United States. It created the first territorial government in the United States. It formed the model for all other Acts of Congress providing for territorial government, especially the Acts creating the Mississippi and Alabama Territory, which Acts were approved April 7, 1798, May 10, 1800, April 24, 1802, March 3, 1817, and April 20, 1818. In this Great Ordinance of 1787 it was ordained that such articles should be considered as a compact between the original Thirteen States and the people thereof and the Northwestern Territory created thereby and the people thereof. The above quoted provision was a part of Article 3 so ordained. The Acts creating the Mississippi and Alabama Territory provided that the people of such Territory "shall be entitled to and enjoy all and singular the rights, privileges and advantages granted to the people of the Territory of the United States northwest of the River Ohio." The Acts of the various territorial Legislatures followed to a considerable extent the provisions embraced in the Great Ordinance of 1787; and hence it became the germ of source of the laws relating to education of the several States thereafter created. Parts of this territory northwest of the Ohio River prior to this Great Ordinance was claimed by Virginia and others of the original Thirteen States. It was ceded to the United States before the Constitution, and the territorial government created by this Great Ordinance in 1787. For these reasons, it is of next importance to the Declaration of Independence, the Constitution of the United States, and the Constitutions of the several States.

## CONSTITUTIONAL PROVISIONS.

### ARTICLE XI.

#### Taxation.

Section 216. No city, town, village, or other municipal corporation, other than as provided in this article, shall levy or collect a higher rate of taxation in any one year on the property situated therein than one-half of one per centum of the value of such property as assessed for State taxation during the preceding year; provided, that for the purpose of paying debts existing on the sixth day of December, Eighteen Hundred and Seventy-Five, and the interest thereon, a tax of one per centum may be levied and collected, to be appropriated exclusively to the payment of such indebtedness; and provided further, that this section shall not apply to the City of Mobile, which City may from and after the ratification of this Constitution, levy a tax not to exceed the rate of three-fourths of one per centum to pay the expenses of the City Government, and may also levy a tax not to exceed three-fourths of one per centum to pay the debt existing on the sixth day of December, Eighteen Hundred and Seventy-Five, with interest thereon, or any renewal of such debt; and provided further, that this section shall not apply to the Cities of Birmingham, Huntsville, and Bessemer, and the town of Andalusia, which Cities and Town may levy and collect a tax not to exceed one-half of one per centum in addition to the tax of one-half of one per centum as hereinbefore allowed to be levied and collected, such special tax to be applied exclusively to the payment of interest on bonds of said Cities of Birmingham, Huntsville, and Bessemer, and Town of Andalusia, respectively, heretofore issued in pursuance of law, or now authorized by law to be issued and for a sinking fund to pay off said bonds at the maturity thereof; and, provided further that this section shall not apply to the City of Montgomery, which City shall have the right to levy and collect a tax of not exceeding one-half of one per centum per annum upon the value of the taxable property therein, as fixed for State taxation, for general purposes, and an addi-

tional tax of not exceeding three-fourths of one per centum per annum upon the value of the property therein, as fixed for State taxation, to be devoted exclusively to the payment of its public debt, interest thereon, and renewals thereof, and to the maintenance of its public schools, and public conveniences; and, provided further, that this section shall not apply to Troy, Attalla, Gadsden, Woodlawn, Brewton, Pratt City, Ensley, Wylam, and Avondale, which Cities and Towns may from and after the ratification of this Constitution, levy and collect an additional tax of not exceeding one-half of one per centum; and, provided further, that this section shall not apply to the Cities of Decatur, New Decatur, and Cullman, which Cities may from and after the ratification of this Constitution, levy and collect an additional tax of not exceeding three-tenths of one per centum per annum; such special tax of said City of Decatur to be applied exclusively for the public schools, public school buildings, and public improvements; and such special tax of New Decatur and Cullman to be applied exclusively for educational purposes, and to be expended under their respective Board of Public School Trustees; but this additional tax shall not be levied by Troy, Attalla, Gadsden, Woodlawn, Brewton, Pratt City, Ensley, Wylam, Avondale, Decatur, New Decatur, or Cullman unless authorized by a majority vote of the qualified electors voting at a special election held for the purpose of ascertaining whether or not said tax shall be levied; and, provided further, that the purposes for which such special tax is sought to be levied shall be stated in such election call, and, if authorized, the revenue derived from such special tax shall be used for no other purpose than that stated; and, provided further, that the additional tax authorized to be levied by the City of Troy, when so levied and collected, shall be used exclusively in the payment of the bonds and interest coupons thereon, hereafter issued in the adjustment of the present bonded indebtedness of said City; and, provided further, that the additional tax authorized to be levied and collected by the City of Attalla shall, when so levied and collected, be used exclusively in the payment of bonds to the amount of not exceeding twenty-five thousand dollars and the interest coupons thereon, hereafter to be issued in the adjustment of the



present indebtedness of said City; provided further that the governing boards of said Cities, which are authorized to levy an additional tax after the holding of an election as aforesaid, are hereby authorized to provide by ordinance the necessary machinery for the holding of said election and declaring the result thereof.

City charter held void because in violation of this section.—157 Ala. 428 (48 So. 103).

Mandamus will not lie to compel county tax adjuster to assess property within a town at its reasonable and fair cash value.—208 Ala. 53 (93 So. 827).

Intended to define the extent of direct municipal tax on property; has no reference to specific tax on privileges.—Ex parte City Council, 64 Ala. 463.

Nor on local assessments for purposes of local street improvements.—Mayor v. Klein, 89 Ala. 461.

Limits rate of taxation and makes the State assessment for the preceding year the only basis of value, regardless of any increase.—Mayor v. Klein, 89 Ala. 461; Elyton Land Co. v. Mayor, 89 Ala. 477.

Legislature has the right to levy and collect a tax on property in Mobile for the purpose of paying its debts, up to the limit here fixed.—Hare v. Kennerly, 83 Ala. 608.

License tax may be collected by a municipality, though none is collected by State.—Anniston v. So. Ry. Co., 112 Ala. 555; Holt v. Birmingham, 111 Ala. 369.

The levy of a tax by the State for municipal purposes, which the municipality cannot levy is violative of this provision.—State v. So. Ry. Co., 115 Ala. 250.

The Constitution applies with equal force as a prohibition against the levy and collection of such a tax, whether by the State, City, or Municipality.—Elyton Land Co. v. Mayor, etc., 89 Ala. 477; Hare v. Kennerly, 83 Ala. 608; Schultes v. Eberly, 82 Ala. 246; State v. So. Ry. Co., 115 Ala. 250.

Where taxes are proposed to be levied for two purposes, in addition to the regular rate authorized, there should be two submissions to the voters.—Woodlawn v. Cain, 135 Ala. 369.

Where tax proposed to be levied under this section is for two or more purposes, the propositions embodying the purposes should be separately submitted to the voters, so the voters may express their wishes separately as to each proposition.—Town of Woodlawn v. Cain, 135 Ala. 369; Maybin v. Biloxi, 28 So. 566.

A statute authorizing a municipality to levy a special tax of \$0.20 on \$100 worth of property for educational purposes is in violation of this section of the Constitution.—State v. So. Ry., 115 Ala. 250.

A statute submitting two questions to be voted upon by the same ballot, where the voter is required to assent to both purposes or dissent from both, but is unable to choose between, the statute is void.—Woodlawn v. Cain, 135 Ala. 369.

## ARTICLE XIV.

## Education.

Section 256. The Legislature shall establish, organize, and maintain a liberal system of public schools throughout the State for the benefit of the children thereof between the ages of seven and twenty-one years. The public school fund shall be apportioned to the several counties in proportion to the number of school children of school age therein, and shall be so apportioned to the schools in the districts or townships in the counties as to provide, as nearly as practicable, school terms of equal duration in such school districts or townships. Separate schools shall be provided for white and colored children, and no child of either race shall be permitted to attend a school of the other race.

Mandatory.—*Elsberry v. Seay*, 83 Ala. 614.

System must extend throughout the State, operating upon and in favor of all alike, without special local rights, privileges, or burdens.—*Schultes v. Eberly*, 82 Ala. 242.

Separate school districts may be established, but no implied privileges arise in their favor.—*Schultes v. Eberly*, 82 Ala. 242.

Institutions of learning, distinct from the Public Schools, may be established, but the Public School Fund may not be reduced below the minimum for the maintenance.—*Elsberry v. Seay*, 83 Ala. 614. See 140 Ala. 541.

Section 257. The principal of all funds arising from the sale or other disposition of lands or other property, which has been or may hereafter be granted or entrusted to this State or given by the United States for educational purposes shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific object of the original grants or appropriations.

Section 258. All lands or other property given by individuals, or appropriated by the State for educational purposes, and all estates of deceased persons who die without leaving a will or heir, shall be faithfully applied to the maintenance of the public schools.

Section 259. All poll taxes collected in this State shall be applied to the support of the public schools in the respective counties where collected.

Poll tax must bear the expense of its own assessment and collection.—*Shaver v. Robinson*, 59 Ala. 195.

It is not within the legislative power to direct the levy and collection of a poll tax in any other manner or for other purposes than provided in the Constitution.—*Francis v. Peevy*, 132 Ala. 58. Constitution is mandatory.—*Ib.*

Other than the poll tax no provision is made for special taxation for educational purposes.—*Schultes v. Eberly*, 82 Ala. 242 (Const. of 1901 changes). Law "setting apart and appropriating from the School Fund for the colored people" a fund for the maintenance of an university for colored people, is an unauthorized conversion.—*Elsberry v. Seay*, 83 Ala. 614.

Section 260. The income arising from the sixteenth section trust fund, the surplus revenue fund, until it is called for by the United States Government, and the funds enumerated in sections 257 and 258 of this Constitution, together with a special annual tax of thirty cents on each one hundred dollars of taxable property in this State, which the Legislature shall levy, shall be applied to the support and maintenance of the public schools, and it shall be the duty of the Legislature to increase the public school fund from time to time as the necessity therefor and the condition of the treasury and the resources of the State may justify; provided, that nothing herein contained shall be so construed as to authorize the Legislature to levy in any one year a greater rate of State taxation for all purposes, including schools, than sixty-five cents on each one hundred dollars' worth of taxable property; and provided further, that nothing herein contained shall prevent the Legislature from first providing for the payment of the bonded indebtedness of the State and interest thereon out of all the revenue of the State.

NOTE: By a divided court the 60% assessment statute was held not to violate this section of the Constitution. In the opinion of many, however, it does violate that part of the section which commands the Legislature to levy 30 cents on every hundred dollars worth of taxable property in the State. The effect of the statute is to prevent a levy of more than 18 cents on every hundred dollars worth of taxable property in the State. This particular provision is a limitation downwards, while Sections 214, 215, 216 and others are limitations upwards. If the Legislature cannot evade or avoid upward limitations by assessing at more than 100% valuation it ought not to be allowed to evade or avoid a downward limitation, by assessing at less than 100% valuation.—See 182 Ala., 475 (62 So. 77).

Section 261. Not more than four per cent of all moneys raised or which may hereafter be appropriated for the support



of public schools, shall be used or expended otherwise than for the payment of teachers employed in such schools; provided, that the Legislature may, by a vote of two-thirds of each house, suspend the operation of this section.

Section 262. The supervision of the public schools shall be vested in a Superintendent of Education, whose powers, duties, and compensation shall be fixed by law.

Section 263. No money raised for the support of the public schools shall be appropriated to or used for the support of any sectarian or denominational school.

An "University for Colored People," not under the control of the Superintendent of Education, is not a public school.—*Elsberry v. Seay*, 83 Ala. 614.

Section 264. The State University shall be under the management and control of a board of trustees, (a) which shall consist of two members from the Congressional District in which the University is located, one from each of the other Congressional Districts in the State, the Superintendent of Education, and the Governor, who shall be ex-officio president of the board. The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be elected and confirmed as hereinafter required. Successors to those trustees whose terms expire in Nineteen Hundred and Two shall hold office until Nineteen Hundred and Seven; successors to those trustees whose terms expire in Nineteen Hundred and Four shall hold office until Nineteen Hundred and Eleven; successors to those trustees whose terms expire in Nineteen Hundred and Six shall hold office until Nineteen Hundred and Fifteen; and thereafter their successors shall hold office for a term of twelve years. When the term of any member of such board shall expire, the remaining members of the board shall, by secret ballot, elect his successor; provided, that any trustee so elected shall hold office from the date of his election until his confirmation or rejection by the Senate, and, if confirmed, until the expiration of the term for which he was elected, and until his successor is elected. At every meeting of the Legislature the Superintendent of Education shall certify to the Senate the names of all who

shall have been so elected since the last session of the Legislature, and the Senate shall confirm or reject them, as it shall determine is for the best interest of the University. If it reject the names of any members, it shall thereupon elect trustees in the stead of those rejected. In case of a vacancy on said board by death or resignation of a member, or from any cause other than the expiration of his term of office, the board shall elect his successor, who shall hold office until the next session of the Legislature. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such.

The Governor has no authority, without the consent of the Senate, to appoint a trustee for the University.—State ex rel. Little v. Foster, 130 Ala. 154. The duration of the term of trustees is six years.—Ib.

A provision for electing two Trustees every two years is intended to have one-half of the trustees chosen biennially; after this is accomplished, the provision is functus officio.—Little v. Foster, 130, Ala. 154.

(a)—Acts 1903, p. 109.

Section 265. After the ratification of this Constitution there shall be paid out of the treasury of this State at the time and in the manner provided by law, the sum of not less than thirty-six thousand dollars per annum as interest on the funds of the University of Alabama, heretofore covered into the treasury, for the maintenance and support of said institution; provided, that the Legislature shall have the power at any time they deem proper for the best interest of said University to abolish the military (a) system at said institution or reduce the said system to a department of instruction, and that such action on the part of the Legislature shall not cause any diminution of the amount of the annual interest payable out of the treasury for the support and maintenance of said university.

(a)—Acts 1903, p. 115.

Section 266. The Alabama Polytechnic Institute, formerly called the Agriculture and Mechanical College, shall be under the management and control of a board of trustees, which shall consist of two members from the Congressional District in which the institute is located, and one from each of the other Congressional Districts in the State, and the

State Superintendent of Education, and the Governor, who shall be ex-officio president of the board. The trustees shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold office for a term of twelve years, and until their successors shall be appointed and qualified. The board shall be divided into three classes, as nearly equal as may be, so that one-third may be chosen quadrennially. Vacancies occurring in the office of trustees from death or resignation, and the vacancies regularly occurring in the year Nineteen Hundred and Five shall be filled by the Governor, and such appointee shall hold office until the next meeting of the Legislature. Successors to those trustees whose terms expire in Nineteen Hundred and Three shall hold office until Nineteen Hundred and Eleven; successors to those whose terms expire in Nineteen Hundred and Five shall hold office until Nineteen Hundred and Fifteen; and successors to those whose terms expire in Nineteen Hundred and Seven shall hold office until Nineteen Hundred and Nineteen. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such.

Section 267. The Legislature shall not have power to change the location of the State University, or the Alabama Polytechnic Institute, or the Alabama Schools for the Deaf and Blind, or the Alabama Girls' Industrial School, as now established by law, except upon a vote of two-thirds of the Legislature taken by yeas and nays and entered upon the journals.

Section 268. The Legislature shall provide for taking a school census by townships and districts throughout the State not oftener than once in two years, and shall provide for the punishment of all persons or officers making false or fraudulent enumerations and returns; provided, the State Superintendent of Education may order and supervise the taking of a new census in any township, district, or county, whenever he may have reasonable cause to believe that false or fraudulent returns have been made.

Section 269. The several counties in this State shall have power to levy and collect a special tax (a) not exceeding ten

cents on each one hundred dollars of taxable property in such counties, for the support of public schools; provided, that the rate of such tax, the time it is to continue, and the purpose thereof, shall have been first submitted to a vote of the qualified electors of the county, and voted for by three-fifths of those voting at such election; but the rate of such special tax shall not increase the rate of taxation, State and county combined, in any one year, to more than one dollar and twenty-five cents on each one hundred dollars of taxable property; excluding, however, all special county taxes for public buildings, roads, bridges, and the payment of debts existing at the ratification of the Constitution of Eighteen Hundred and Seventy-Five. The funds arising from such special school tax shall be so apportioned and paid through the proper school officials to the several schools in the townships and districts in the county that the school terms of the respective schools shall be extended by such supplement as nearly the same length of time as practicable; provided that this section shall not apply to the Cities of Decatur, New Decatur, and Cullman.

(a)—Acts 1903, p. 350.

Section 270. The provisions of this article and of any act of the Legislature passed in pursuance thereof to establish, organize, and maintain a system of public schools throughout the State, shall apply to Mobile County only so far as to authorize and require the authorities designated by law to draw the portions of the funds to which said county shall be entitled for school purposes and to make reports to the superintendent of education as may be prescribed by law; and all special incomes and powers of taxation as now authorized by law for the benefit of public schools in said county shall remain undisturbed until otherwise provided by the Legislature; provided, that separate schools for each race shall always be maintained by said school authorities.



## IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 416).

(H. 1122. Ward of Tuscaloosa

## AN ACT

To adopt the Code of laws relating to education, prepared in accordance with the provisions of the Act approved August 11, 1927, entitled "An Act to provide for the revision, codification, digesting and promulgation of the public statutes of Alabama relating to education."

Be it Enacted by the Legislature of Alabama:

Section 1. That the work prepared by Harwell G. Davis, as Code Commissioner, under and in accordance with the provisions of the Act approved August 11, 1927, entitled "An Act to provide for the revision, codification, digesting and promulgation of the public statutes of Alabama relating to education," as shown by the manuscript filed by the said Harwell G. Davis with the Governor on the 12th day of August, 1927, which said work has been recommended for adoption by the Joint Committee of the two Houses of the Legislature authorized and appointed to read and report on the same, is adopted and enacted as The Educational Code of Alabama, and shall regulate completely so far as a statute can the subjects to which it relates. Said Code shall go into force and be operative on the thirtieth day after the date of the Governor's proclamation announcing its publication.

Section 2. No act passed after the 1st day of August 1927 shall be repealed or affected in any manner by the adoption of this Code, but such acts as amend provision of this Code or relate to the subjects included therein shall be printed in said Code. No act passed after the 1st day of August 1927 shall be construed to repeal any provision of said Code unless such repeal is direct or is necessary to make the provision of such Act operative. Nothing contained in or omitted from said Code shall repeal any appropriation.

Section 3. After the adoption of said Code the same shall be indexed by the said Harwell G. Davis, and annotated

as now required by the Act providing for the codification of said laws; but in the preparation of said Educational Code for publication and indexing the same that the said Harwell G. Davis shall have the authority, if necessary, to change the numbers of any sections and prepare captions for each article or chapter and for each section, provided that he shall not have the right to in any way change the meaning, wording or effect of any provisions as adopted.

Section 4. That the indices to said Code shall be filed with the Governor within three months after the Code has been adopted, and thereupon the Governor shall cause to be printed such number of said Code as he may deem necessary to supply the various officers of the State and counties, and the school authorities, to be used by the Department of Education in the mutual exchange of laws with other States and for sale to the general public. The price of said Code shall be fixed by the Governor at not over ten per cent (10%) above the cost of printing and handling same.

Section 5. The adoption of this Code shall not repeal any criminal provision not in conflict with or repealed by the provisions of this Code.

Section 6. That no provision in the Code shall repeal any local law relative to selection of a county superintendent of education.

Approved August 27, 1927.

## IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION 1927

No. 283)

(S. 296 Mitchell

## AN ACT

To provide for the revision, codification, digesting and promulgation of the public Statutes of Alabama relating to Education.

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Board of Education is hereby authorized and empowered and directed to elect a code Commissioner whose duty it shall be to revise, digest and codify all of the public statutes of Alabama of a general and public nature relating to education.

Section 2. That payment of said Code Commissioner shall be made from funds available under present laws to the State Board of Education and shall be made payable upon such terms as may be agreed upon by the State Board of Education and said Code Commissioner and shall be payable in the same manner and method as other payments are made out of said funds.

Section 3. It shall be the duty of said Code Commissioner at least six Legislative days before the adjournment of the present Legislature to deliver said code to the Governor of this State, together with a sworn statement showing each and all changes he shall have made and call attention to each and all additions thereto and omissions from the present law.

Section 4. The said Commissioner shall prepare, appropriate chapters, titles and sub-divisions of titles, for each chapter, clearly, briefly, and succinctly expressive of the subjects treated, and place all public laws appertaining to the subject in appropriate order; said commissioner shall not simply transfer or transcribe the laws enacted by the Legislature, but shall, without changing the sense, so alter the phraseology as to eliminate and exclude all redundancy, pro-

lixity and obscurity of expression, and when there shall be several acts relating to, or embracing the same subject, they shall be gathered together and condensed into one, and so worded as to clearly and fully set forth the substance and meaning of the whole, having regard to the judicial exposition thereof; whenever it shall be apparent that there are Legislative omissions, or mistakes, in any statute, said commissioner shall supply and rectify the same so as to correct and perfect such statute, and render its meaning clear and its operation complete, and shall add such original notes and references as may be proper for the clear elucidation of them, and for easy and ready reference to the several laws from which they may be compiled, showing as far as may be when such acts and statutes and laws became operative and when amended, to which shall be appended in appropriate arrangement a citation and digest of all the decisions of the Supreme Court, construing, explaining or discussing such sections or acts.

Section 5. Such commissioner shall prepare and submit an accurate, full, complete and comprehensive index to each separate volume of said code, which shall contain an alphabetical arrangement of all the various subjects contained in such volume, and each subject and section shall be thus indexed, and said index shall also contain a word index referring to the ordinary word expressive of the subject treated, and each reference shall be to sections of the Code, and the page thereof, of each and both.

Approved August 11, 1927.



## A PROCLAMATION BY THE GOVERNOR

Whereas, by an Act "To adopt the Code of Laws relating to Education, prepared in accordance with the provisions of the Act approved August 11, 1927, entitled 'An Act to provide for the revision, codification, digesting and promulgation of the public statutes of Alabama relating to Education'", approved August 27, 1927, and in pursuance of Section One of said Act that the same shall go into force and be operative on the thirtieth day after the date of the Governor's proclamation announcing its publication:

Now, therefore, I, Bibb Graves, Governor of the State of Alabama, in compliance with the statute adopting said Code, do hereby fix, designate and appoint the first day of October, 1927 as the day upon which said Code of Laws shall go into effect and thereupon said Code of Laws having been duly adopted by the Legislature of Alabama, shall become operative and full faith and credit shall be given the same.

In testimony whereof I have hereunto set my hand and caused the Great Seal of the State to be affixed at the Capitol, in the City of Montgomery, on this the 31st day of August, A. D., 1927.

BIBB GRAVES,  
Governor.

(Seal) \_\_\_\_\_  
By the Governor.  
JNO. BRANDON,  
Secretary of State.



# SCHOOL CODE

---

## ARTICLE I.

### School Code.—Sections 1-5.

1. **Codes, Defined.**—This Code shall be known as the Alabama School Code. Whenever the words “this Code” are used herein they shall refer to the Alabama School Code, and wherever the words “Alabama Code” are used they shall refer to the Code of Alabama of 1923 as adopted by an act approved August 17, 1923, and entitled “An Act to adopt a Code of Laws for the State of Alabama.”

2. **Words and Phrases.**—Unless otherwise apparent from the context, words and terms when used in this Code shall have the same meaning and significance as it is provided by Chapter One of the Political Volume of the Alabama Code that such words and terms shall have when used in said Alabama Code.

3. **Alabama Code, Not Repealed.**—Nothing in this Code shall be construed to repeal any provision contained in the Alabama Code relating to any matters herein contained unless the repeal is expressly made or necessarily results from implication.

4. **Unconstitutionality of Provision, Effect Of.**—If any provision or provisions of this Code shall be held by the Supreme Court of the State to be unconstitutional, such holding shall not effect any other provision of this Code, it being the intent and purpose hereof that each provision hereof shall stand or fall on its own merits and that the judicial annulment for unconstitutionality of any provision hereof shall have no effect upon any provision not so annulled.

5. **Appropriations Not Repealed By Code.**—Neither the failure to include in this Code any appropriation made for any of the purposes set forth in this Code, nor any provision of this Code shall be construed to repeal or defeat any such appropriation. All appropriations, existing and hereafter made, for the purposes set forth in this Code shall be subject to the provisions of this Code unless otherwise provided in the Act making such appropriation.

## ARTICLE II.

**Public School System.—Sections 6-11.**

6. **Public School System.**—There shall be throughout the State of Alabama a general system of public schools which shall include such types of instruction, educational institutions and agencies as may be authorized or provided by law and necessary to maintain a liberal system of public schools for the benefit of the citizens of the State.

7. **Supervision of Public Schools of State.**—The supervision of the public schools of the State shall be vested in the State Superintendent of Education with the advice and counsel of a State Board of Education, and their powers and compensation shall be fixed by law.

8. **Supervision, County Schools, City Schools.**—Educational matters affecting the county school system shall be under the control of the County Board of Education. Educational matters affecting city school systems shall be under the control of a City Board of Education, except where the city school system has been consolidated with the county school system under the County Board of Education.

9. **Appropriations For Public Schools.**—For the maintenance of a system of public schools of the State the following sums of money are hereby appropriated for every year, to-wit: 1. The annual interest at six per centum on all sums of money which have heretofore been or which may hereafter be received by the State, as the proceeds of sales of lands granted or entrusted by the United States to the State, or to the several townships thereof, valueless sixteenth section fund, and School Indemnity Fund for school purposes. 2. The annual interest at four per centum on that part of the surplus revenue of the United States deposited with the State under the Act of Congress approved June 23, 1836. 3. All annual rents, incomes and profits or interest arising from the proceeds of sales of all such lands as hereafter may be given by the United States, or by this State, or by individuals, for the support of the public schools of the State. 4. All such sums as may accrue to the State as escheats, the same to be ap-



plied to the support of the public schools during the scholastic year next ensuing the receipt in the State Treasury. 5. The net amount of poll tax that may be collected in the State; poll tax collected in every county to be retained therein for the support of the public schools thereof and distributed and disbursed as provided in this chapter. 6. Licenses which are by law required to be paid into the school fund of any County to be promptly paid by the Judge of Probate or other person collecting the same to the Custodian of public school funds of the County or District, to be expended for the benefit of the public schools of each County. 7. A special annual tax of thirty cents on each one hundred dollars worth of taxable property in this State. 8. A further sum or sums to be appropriated by the Legislature for each year.

10. **Appropriations, When Accrue.**—All such appropriations, except the poll tax, shall accrue to the educational fund on the first day of October in each year; and on that day the State Auditor shall place to the credit of that fund, on the books in his office, all such amounts as accrue thereto from the sources in this article mentioned, except the poll tax, for the year beginning on that day.

11. **Legislative Appropriations.**—The sum of five hundred thousand dollars for each and every year is hereby appropriated out of any monies in the State Treasury not otherwise appropriated to the Public School Fund. The above appropriations shall be placed by the State Auditor to the credit of the Public School Funds on the books in his office on the first day of October of the respective years and shall be apportioned by the State Superintendent of Education and be drawn and disbursed as provided by law.

### ARTICLE III.

#### Department of Education.—Sections 12-25.

12. **Department, Direction Of.**—The State Department of Education is hereby created to be under the direction of the State Superintendent of Education with the advice and counsel of the State Board of Education. The Assistant State

Superintendent of Education, when one is provided by the State Board of Education, shall perform the duties of the State Superintendent when so directed by the State Superintendent of Education and such other duties as required by the State Superintendent of Education.

**13. Divisions of Department of Education.**—The State Department of Education is hereby organized into the following divisions: namely, Division of Business Management, Division of Teacher Training and Certification, Division of Statistics, Division of Rural Schools, Division of Elementary Schools, Division of Secondary Education, Division of Physical and Health Education, Division of Vocational Education, Division of Exceptional Education, Division of School and Community Organization, and such other divisions as the State Board of Education creates on the recommendation of the State Superintendent of Education. The member of the Department of Education in charge of each division shall be known as the director of such division.

**14. Business Management, Division Of.**—In the Division of Business Management there shall be a chief clerk who shall serve as director of such division, and who shall perform such duties as assigned him by the State Superintendent of Education and who shall give bond for the faithful performance of his duties in a surety company authorized to do business in Alabama in such sum as prescribed by the State Board of Education. Such bond shall be filed with and approved by the State Superintendent of Education.

**15. Teacher Training and Certification, Division Of.**—The Division of Teacher Training and Certification, subject to the approval of the State Superintendent of Education, shall prescribe the rules and regulations governing the training and the certification of teachers, for the placement of teachers and for the training of teachers in service, and in teacher training institutions, and for the work of extension. The working force of this division shall include a director of teacher training, a secretary, and such professional and clerical assistants as may be necessary to give full force and effect to the laws governing the training, certification and placement of teachers, as provided in this code.

16. **Statistics, Division Of.**—The Division of Statistics, subject to the approval of the State Superintendent of Education, shall have the power to prescribe the blanks, forms registers, rules and regulations for making all statistical reports. It shall have authority to prescribe a uniform system of bookkeeping to be used by the State Department of Education and by all County and City Boards of Education. It shall attend to the gathering of all statistical data; it shall tabulate, interpret and edit the same, and shall supply the United States Commissioner of Education with any statistical information available. The statistical portions of the annual report shall be prepared by this division, as directed by the State Superintendent of Education. Forms and blanks for use in compiling general school statistics shall conform as nearly as may be to the forms and blanks recommended by the United States Bureau of Education. This division shall attend to the editing and illustrating of all circulars, bulletins, and reports prepared by the different divisions of the State Department of Education and to their distribution, as approved and directed by the State Superintendent of Education.

17. **Rural Schools, Division Of.**—The Division of Rural Schools, subject to the approval of the State Superintendent of Education, shall study the needs, costs, and means of improvement of the rural and small town schools of the State; assist in county reorganization surveys and the establishment of consolidated schools; assist county boards of education and county superintendents in promoting local tax levies to provide ways and means for extending educational and social advantages to the rural sections and small towns of the State; assist county educational authorities in the reorganization and re-direction of rural and village schools and perform such other duties as may be assigned by the State Superintendent of Education.

18. **Elementary Schools, Division Of.**—The Division of Elementary Schools, subject to the approval of the State Superintendent of Education, shall study the administrative and instructional problems and needs of all schools of elementary grade, and shall assist in the preparation of school programs,

manuals of the course of study, and such other helpful material as may be deemed necessary. For the proper co-ordination of the work the director of the teacher training, certification and placement division may be placed in charge of this division.

19. **Secondary Education, Division Of.**—The Division of Secondary Education, subject to the approval of the State Superintendent of Education, shall study the administration, curricula, problems and needs of the secondary schools of the State. For the proper co-ordination of the work the director of the teacher training, certification and placement division may be placed in charge of this division. There shall be one or more specialists in secondary education, who shall visit the various secondary schools of the State to classify the schools according to standards maintained, to suggest means of improving the work of instruction and administration. This division shall approve for accreditation to the University, the Alabama Polytechnic Institute, and other institutions of higher learning, those schools meeting the proper standards. It shall study means for a closer articulation of both secondary schools and colleges on the one hand, and of secondary and elementary schools on the other hand.

20. **Physical and Health Education, Division Of.**—The Division of Physical and Health Education, subject to the approval of the State Superintendent of Education, shall outline a course of physical training for the various schools of the State. It shall collect and disseminate useful data on the health of school children, and shall devise ways and means of co-ordinating the work of health education of the Department of Education, and of the county and city boards of education, with the work of the State Board of Health and with the health authorities in counties and cities.

21. **Vocational Education, Division Of.**—The Division of Vocational Education, subject to the approval of the State Superintendent of Education, shall study the vocational opportunities of the State in agriculture, home economics, and trade and industry; assist in the establishment of vocational schools and courses and have the oversight and direction of



the vocational work in schools receiving State and Federal aid; prepare and publish bulletins relating to vocational work, study conditions both within and without the State, with a view to better preparing young people for the vocations; have the supervision of the teacher training work in home economics, agriculture and trade and industry in the institutions approved for the training of teachers under the Smith-Hughes law. At the head of this division shall be a director of vocational education. Civilian rehabilitation provided for through State and Federal Acts shall be administered and supervised through the Division of Vocational Education.

**22. Exceptional Education, Division Of.**—The Division of Exceptional Education, subject to the approval of the State Superintendent of Education, shall have charge of the organized work of the State Board of Education for the removal of illiteracy, and other forms of exceptional education approved by the State Board of Education, and of the educational work in the special child caring institutions of the State.

**23. School and Community Organization, Division Of.**—The Division of School and Community Organization, subject to the approval of the State Superintendent of Education, shall be charged with the duty of co-operating with school improvement, parent-teacher, and community organization work throughout the State. It shall encourage and co-operate with such agencies in the State as may be designated to foster all activities for the betterment of school and community interests.

**24. Publications By Department.**—In order that the State Department of Education may exert its largest influence, provision shall be made for three series of publications as follows: 1. A monthly circular of information containing such outlines and descriptions of the work of the State Department of Education and such general information, notices, and directions as the State Superintendent of Education shall direct. 2. A series of bulletins to be issued as frequently as need be, to contain collected information on

studies made by different division of the State Department of Education, school manuals, and such other publications as may be authorized by the State Board of Education. 3. Annual reports as required under this Code.

**25. Appropriation: Contingent Fund.**—There is appropriated out of any money in the treasury not otherwise appropriated the sum of five thousand dollars for each and every year, as a Contingent Fund for the State Department of Education. The annual appropriation as a Contingent Fund for the State Department of Education shall be used for such purposes as in the opinion of the State Superintendent of Education the needs of the office and the best interests of the schools of the State may require. And whenever it shall become necessary to draw on such fund the State Superintendent of Education shall make requisition upon the State Auditor who shall draw his warrant on the State Treasurer for the amount for which requisition is made.

#### ARTICLE IV.

##### State Board of Education.—Section 26-64.

**26. State Board of Education.**—The State Board of Education shall be composed of the Governor, the State Superintendent of Education, and one member from each Congressional District to be appointed by the Governor and confirmed by the Senate for terms of six years, except as hereinafter provided, beginning on the first day of October next succeeding their appointment.

**27. Officers of State Board of Education.**—The Governor shall be president and the State Superintendent of Education shall be secretary and executive officer of the Board. The appointive members of the Board as now constituted shall hold office as representatives of the districts in which they reside until their respective terms expire under existing law.

**28. Terms of Members of State Board of Education.**—The terms of members from the Fourth, Sixth and Tenth Dis-

tricts shall expire in 1927; of those from the Second, Seventh and Eighth Districts in 1929; of those from the First, Third, Fifth and Ninth Districts in 1931.

29. **Qualification of Members of Board.**—The members of the Board shall be appointed solely for their character and fitness, but no person shall be appointed to the Board who is in any way subject to its authority.

30. **Removal of Members of State Board.**—The Governor may remove any appointive member of the Board for immorality, misconduct in office, incompetency or wilful neglect of duty, giving to him a copy of the charges against him, and, upon not less than ten days' notice, an opportunity of being heard publicly in person or by counsel in his own defense. If any member shall be removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges against such member of his findings thereon, together with a complete record of the proceedings.

31. **Vacancies On Board.**—As vacancies occur on the Board for any cause they shall be filled by the Governor for the unexpired term subject to confirmation by the Senate at the next succeeding session of the Legislature.

32. **Oath of Office.**—Before exercising any authority or performing any duty each member of the Board shall qualify as such by taking and subscribing to the oath of office prescribed by Article 16 of the State Constitution, the certificate whereof shall be filed with the records of the Board.

33. **Meetings of State Board of Education.**—The State Board of Education shall hold a regular annual meeting at the office of the State Department of Education in Montgomery on a date to be set by the Governor, at which meeting one of its members shall be elected vice-president. Such other meetings may be held as the duties of the Board and the needs of the schools may require. The rules generally adopted by deliberative bodies for their government shall be observed.

34. **Compensation of Members of State Board.**—The members of the State Board of Education shall receive a per diem of ten dollars a day for each day of actual service and

for a total of not more than twenty-five days in any fiscal year, and their actual traveling and other necessary expenses incurred in attending meetings and transacting the business of the Board.

**35. State Board of Education, General Powers Of.**—The State Board of Education shall exercise, through the State Superintendent of Education and his professional assistants, general control and supervision over the public schools of the State, except the University, the Alabama Polytechnic Institute, and the Alabama College, and shall consult with and advise through its executive officer and his professional assistants, county boards of education, city and town boards of education, superintendents of schools, school trustees, attendance officers, principals, teachers, supervisors, and interested citizens, and shall seek in every way to direct and develop public sentiment in support of public education.

**36. Rules and Regulations, Adoption Of.**—The State Board of Education shall adopt rules and regulations for the proper construction of school buildings, for the sanitation of schools, for the physical examination of school children, and, in conjunction with other State authorities, shall see to it that the rules relating to school health, compulsory education, and child conservation are enforced.

**37. Grading and Standardizing Schools.**—The State Board of Education shall prescribe rules and regulations for the grading and standardizing of public schools.

**38. Courses of Study.**—The State Board of Education, on the recommendation of the State Superintendent of Education, shall prescribe the minimum contents of courses of study for all public elementary and high schools in the State, and shall fix the maximum number of books which are compulsory in each grade of the elementary schools. In every elementary school in the State there shall be taught at least reading, spelling, handwriting, arithmetic, oral and written English, geography, history of the United States and Alabama, elementary science, hygiene and sanitation, physical training, and such other studies as may be prescribed by the



State Board of Education. English shall be the only language employed in teaching in the first six grades of the elementary schools in the State.

39. **Course of Study Committee.**—The State Board of Education, on the approval of the State Superintendent of Education, shall appoint a committee to be known as the Course of Study Committee, to consist of not less than seven nor more than ten members actively engaged in teaching in the public elementary schools, high schools, normal schools or colleges of the State, two of whom shall be engaged in primary work, whose duty it shall be to prescribe the courses of study for the elementary and high schools and normal schools of the State showing the minimum contents for the different kinds and grades of schools. The Course of Study Committee shall also prepare, or cause to be prepared, for approval and adoption the compulsory maximum contents of the courses of study for each grade of the elementary schools.

40. **Text Book Committee.**—The State Board of Education shall appoint a text book committee which shall be charged with the duty of determining the merits of text books considered for use in the elementary schools of the State, and in the high schools of the State except in cities under the control of a city board of education. Such text book committee shall consist of seven members, each of whom shall be a well known educator, engaged in public school work.

41. **Teachers, Training and Certification.**—The State Board of Education, through its executive officer, shall prescribe rules and regulations, also the subjects and the standards of teachers' examinations, governing the training and the certification of teachers in the public schools of the State, and for the acceptance of the diplomas of the normal schools, colleges and universities of Alabama, as well as of other States. The State Board of Education, with the advice of the State Superintendent of Education, shall have full power and authority to promulgate and adopt rules and regulations governing the issuance of professional and special certificates.

42. **School Census.**—The State Board of Education shall prescribe rules and regulations for taking a census in July of

each even numbered year of all children from six to twenty-one years of age within the State, also all forms and blanks to be used in taking such census, and in compiling the reports thereon.

43. **Forms and Blanks.**—The State Board of Education shall have the power to prescribe uniform series of forms and blanks for the use of county boards of education, the boards of education of cities, school officials and teachers, and shall require all financial accounts, including the annual school budget, and all educational records to be kept, and all reports to be made according to these forms and blanks; and such of the above forms and blanks as in the opinion of the State Board of Education may be necessary, shall be provided at the expense of the State.

44. **Private, Parochial and Denominational Schools Annual Reports.**—The State Board of Education shall require all persons conducting private, denominational and parochial schools, and all private educational associations, corporations, or institutions to report annually, on or before the 31st day of August of each year, as to enrollment, age of pupils and attendance, on such forms as the State Board of Education may provide.

45. **Balances Unexpended.**—The State Superintendent of Education shall have authority to approve the expenditure of balances where such exist after the purpose for which the appropriations were made has been realized, provided such expenditure is not inconsistent with constitutional limitations.

46. **Private, Parochial and Denominational Schools, Compulsory Attendance Reports.**—The State Board of Education shall require all private, denominational and parochial schools of elementary and high school grade to report within five days after the enrollment of any pupil or pupils on forms prescribed and provided by the State Board of Education to the superintendent of education of the county or to the superintendent of city schools, according to the location of such school, giving the name and address of each pupil enrolled, and shall report at least weekly the names and addresses of all pupils between the ages of seven and sixteen years, who were

absent and which of said absences were not satisfactorily explained by the parent, guardian or other person having control of the child.

**47. Education Needs Investigated.**—The State Board of Education shall conduct investigations relating to the educational needs of the State, and the means of improving educational conditions. It may employ additional expert assistance for such investigations if needed, and appoint such agents for special investigations.

**48. Vocational Education.**—The State Board of Education and the State Superintendent of Education shall cooperate with the Federal Board for Vocational Education in the administration of the Smith-Hughes Vocational Education Act and the Smith-Bankhead Rehabilitation Act. The State of Alabama accepts the benefits of these Acts, passed by the Senate and House of Representatives of the United States of America in Congress assembled, as provided in this Code, and the State Treasurer is hereby designated to have custody of any funds accruing in the State from the said foregoing acts or from any amendments or supplements thereto.

**49. Illiteracy.**—The State Board of Education may accept for the State of Alabama any appropriation of money for the removal of illiteracy, the teaching of immigrants and for other educational purposes which may hereafter be made out of the Federal treasury by any acts of Congress; and the State Board of Education shall be constituted the chief educational authority for the expenditure and administration of any such funds. Said board may make rules and regulations for the expenditure of such funds, such expenditure to be in accordance with the terms of the acts of Congress making such appropriations. The Treasurer of the State is hereby designated as custodian for all funds received as apportionments under the provisions of such act or acts of Congress.

**50. Advisory Board, Negro Institutions.**—The State Board of Education may appoint an advisory board of not more than five persons from the locality in which any institution for negroes under the control of the State Board of Edu-

cation is located, said advisory board to have such rights and duties as the State Board of Education may from time to time designate.

**51. Special Institutions, Supervision of Education Work Of.**—The State Board of Education shall have general supervision of the educational work of all charitable, penal, reformatory, and child caring institutions, maintained in whole or in part by the State, through its executive officer, who shall be a member of the governing board or boards which have charge of such.

**52. Annual Report.**—The Board of Education shall submit each year on or before the first day of December, or as early thereafter as practicable, to the Governor, an annual report covering all operations of the State Department of Education, and the support, conditions, progress, and needs of education throughout the State. Such annual report shall be printed in sufficient quantities for general distribution throughout the State, and for the usual exchange courtesies between State educational authorities.

**53. Legislation, State Board of Education May Recommend.**—The State Board of Education shall consider the educational needs of the State, and on and with the advice of the State Superintendent of Education, shall recommend to the Governor and to the Legislature such additional legislation or changes in the existing legislation as may be deemed desirable. Such recommendations may be in the form of prepared bills, and shall be laid before the Governor and the Legislature.

**54. Seal.**—The State Board of Education may adopt a seal for the authentication of its official acts.

**55. Oaths, By Whom May Be Administered.**—The State Board of Education by its presiding officer, or its committees by their chairmen, the State Superintendent of Education, and any of its duly appointed agents, shall have authority to administer oaths, and to examine under oath in any part of the State, witnesses in any matter pertaining to schools, and to cause the examination to be reduced to writing.



**56. Removal of Appointees.**—The State Board of Education may remove for incompetency, immorality, misconduct in office, or wilful neglect of duty, any person appointed under the provisions of this Code, upon making known to him in writing the charge against him, and upon giving him an opportunity of being heard in person or by counsel in his own defense, upon not less than ten days' notice. In case of vacancy due to any cause, the State Board of Education shall fill the vacancy, unless otherwise provided, and until a successor shall qualify.

**57. Rules Necessary to Make Effective the Laws, Purpose.**—The State Board of Education shall perform such other duties as are assigned to it elsewhere in this Code, or may be assigned from time to time by the Legislature. In order to meet emergencies that may arise because of any defect in the language or purpose of this Code, the State Board of Education may make such rules and regulations as will give full force and effect to any or all of its provisions.

**58. Property Control: Right to Borrow Money.**—The State Board of Education may acquire, hold, lease, rent, sell and convey the title to real and personal property and may make such repairs and improvements in all property under its control as may be for the best interests of the schools, and may borrow money for the use and benefit of the institutions under its control within the limitations of the income of said institutions for four years.

**59. Equalization of School Facilities, Revolving Fund.**—The State Board of Education is specifically charged with the duty of equalizing public school facilities throughout the State, in so far as it may be practicable; and in order to make it possible to increase the length of school terms in rural districts, and to care for that and other worthy purposes for which no adequate appropriation has been made, the said State Board of Education shall expend so much as it may deem proper of the amount set aside annually by legislative enactment as a revolving fund for the use of the State Board of Education, provided at least eighty per cent of the amount appropriated, if used, shall be expended for lengthening of

public school terms and otherwise bettering conditions in rural schools, and that any unexpended balance at the end of any fiscal year shall be placed to the credit of the General Educational Fund.

**60. Review By State Superintendent.**—The State Board of Education shall have the power and authority to promulgate rules and regulations governing the right and method of review, and disposition upon review, by the State Superintendent of Education of actions and orders of county and city boards of education and of county superintendents of education and city superintendents of schools in matters relating to finance and other matters seriously affecting educational interest.

**61. Appropriations, How Paid.**—Such appropriations as may be made by the Legislature for public school purposes shall unless otherwise provided for, be paid upon requisition of the State Superintendent of Education upon the State Auditor, who shall draw his warrant upon the State Treasurer for the amount for which requisition is made.

**62. Appropriation For Expenses of Department.**—There is appropriated annually to the State Board of Education the sum of seventeen thousand five hundred dollars, or so much thereof as may be necessary for executive, supervisory and clerical purposes in the administration of the State Department of Education, including the expenses and compensation of the members of the State Board of Education in the discharge of their official duties.

**63. Employees Compensation.**—The compensation of employees in the State Department of Education, whose salaries have heretofore been provided for in the Act making appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, shall be determined by the State Board of Education and paid from this appropriation upon requisition of the State Superintendent of Education.

**64. Revolving Fund.**—There is appropriated annually out of any money in the State Treasury not otherwise appro-

priated the sum of one hundred thousand dollars or so much thereof as may be necessary for each and every year, to be used as a revolving fund by the State Board of Education, provided that at least eighty per cent of the above appropriation, if used, shall be expended for lengthening school terms or otherwise bettering conditions in rural schools.

## ARTICLE V.

### State Superintendent of Education.—Sections 65-85.

**65. State Superintendent of Education.**—As the chief executive officer of the State Department of Education there shall be a State Superintendent of Education, who shall hold office for a term of four years from the time of installation into office and until his successor is elected and qualified. The State Superintendent of Education shall be a person of good moral character, of recognized ability as a school administrator, with academic and professional education equivalent to graduation from a standard university or college, and shall have had not less than five years of experience in public school work. He shall receive such salary as may be fixed in accordance with law, payable in monthly installments on the last day of the month.

Allowance of extra compensation for additional duties held valid.  
McElderry v. Abercrombie, 213 Ala. 289 (104 So. 671).

**66. Oath and Bond of State Superintendent.**—Before entering upon the duties of the office he shall take the oath prescribed in the Constitution and shall execute a bond in a surety company authorized to do business in the State for such an amount as may be fixed by the State Board of Education.

**67. School Funds, Apportionment Of.**—The State Superintendent of Education shall make the annual apportionment of school funds to the several counties of the State as provided in this Code.

**68. Duties of State Superintendent.**—The State Superintendent of Education shall explain the true intent and mean-

ing of the school laws, and of the rules and regulations of the State Board of Education. He shall decide, without expense to the parties concerned, all controversies and disputes involving the proper administration of the public school system. The State Superintendent of Education shall enforce all the provisions of this Code, and the rules and regulations of the State Board of Education. He shall file charges with the State Board of Education, or other controlling authority and shall recommend for removal or institute proceedings for the removal of any person appointed under the provisions of this Code, for immorality, misconduct in office, insubordination, incompetency, or wilful neglect of duty.

**69. Education Policies Executed By State Superintendent.**—The State Superintendent of Education shall execute the educational policy of the State Board of Education. He shall call and conduct conferences of county or city boards of education, county superintendents of education, city superintendents of schools, supervisors, attendance officers, principals, and teachers, on matters relating to the condition, needs and improvements of the schools.

**70. Laws, Publication Of.**—The State Superintendent of Education shall prepare and publish the schools laws of the State and the rules and regulations of the State Board of Education, and such other pamphlets as will stimulate public interest, promote the work of education, and foster in teachers professional insight and efficiency. He shall receive and examine all the reports required under the rules and regulations of the State Board of Education, and in person, or through his assistants, shall examine the expenditures, and accounts of county boards of education and of boards of education of cities under a city board of education, and supervise their business methods.

**71. County and City Boards of Education's Action Reviewed.**—The State Superintendent of Education under rules and regulations promulgated by the State Board of Education, shall have the authority to review actions and orders of county and city boards of education and of county superintendents of education and city superintendents of schools in



matters relating to finance and other matters seriously affecting the educational interest. Upon such review the State Superintendent of Education shall have the power to determine from the facts the just and proper disposition of the matter. The order of the State Superintendent shall be binding.

**72. Forms of Contracts.**—The State Superintendent of Education shall prepare, or cause to be prepared, the forms of contract that shall be executed between the boards of education and all regular employees.

**73. Rules, By Whom Prepared.**—The State Superintendent of Education shall prepare, or cause to be prepared, and submit for approval to the State Board of Education, rules and regulations for the hygienic, sanitary and protective construction of school buildings. He is empowered and directed to recommend for condemnation for school use by the State Board of Education all buildings used for school purposes that violate these rules and regulations.

**74. Teachers, Training and Certification Of.**—The State Superintendent of Education shall prepare or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations governing the training and certification of teachers and the holding of teachers' examinations.

**75. Nomination of Employees of Department.**—The State Superintendent of Education, acting under the rules and regulations of the State Board of Education, shall be responsible for the administration of the State Department of Education, and shall have general supervision of all the professional and clerical assistants of the department. He shall nominate to the State Board of Education all the professional and clerical assistants of the department, and shall recommend the salaries to be paid them.

**76. Professional Assistants.**—The State Department of Education shall be provided with such clerical and professional assistants as may be necessary for the proper conduct of its affairs.

**77. Health, Rules For Protection Of.**—In co-operation with other authorized agencies, the State Superintendent of Education shall prepare, or cause to be prepared and submit for approval and adoption by the State Board of Education, rules and regulations for the protection of the health, physical welfare and physical inspection of the school children of the State.

**78. Grading and Standardizing Schools.**—The State Superintendent of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations for grading and standardizing all public schools of an elementary and high school grade, also for limiting on the basis of equipment and number of teachers employed, the years and grades of instructions that may be offered in such schools, but such rules and regulations shall not be inconsistent with the provisions of this code or any other statute of this State. He shall also prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, the minimum requirements for issuing all certificates and diplomas in such schools.

**79. Census for Schools.**—The State Superintendent of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education rules and regulations for the taking of a biennial school census of all children in the State between six and twenty-one years of age, also the forms and blanks to be employed in taking such census, and in compiling the reports thereon. This school census shall be taken in July of the even numbered years, and the State Superintendent of Education may cause the whole or any part of the school census of any county or of any city to be re-taken at any time, if, in the judgment of the State Superintendent of Education the whole or any part of the census has not been properly taken.

**80. Forms and Blanks.**—The State Superintendent of Education shall prepare, or cause to be prepared and submit for approval and adoption by the State Board of Education a uniform series of forms and blanks for the use of county

boards of education, boards of education of cities, school officials and teachers, and it shall be his duty to see that all financial matters, and all educational records are made according to these forms and blanks. He shall also prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, forms and blanks to be used in the annual report, and in the monthly reports of persons conducting private, denominational and parochial schools, and of private educational associations, corporations, or institutions.

81. **Attendance.**—The State Superintendent of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education rules and regulations for the enforcement of school attendance.

82. **Vocational Education.**—The State Superintendent of Education shall prepare or cause to be prepared, and submit to the State Board of Education, plans and rules and regulations for the administration of the provisions of the Vocational Education Acts.

83. **Annual Report.**—The State Superintendent of Education shall prepare, or cause to be prepared, an annual report of the State Board of Education, and shall submit on the first day of December, or as early thereafter as practicable, the same to the board for its approval and adoption. He shall also prepare, or cause to be prepared, all other reports which are or may be required of the Board.

84. **Budget.**—The State Superintendent of Education shall prepare and submit for approval by the State Board of Education such budget for each quadrennium, or for such other period as may be fixed by the State Budget Commission or other duly authorized body.

85. **Legislation.**—The State Superintendent of Education shall prepare or cause to be prepared and submit for approval and adoption by the State Board of Education such legislative measures as are in his opinion needed for the further development and improvement of the free public schools of the State.

## ARTICLE VI.

**County Board of Education.—Section 86-137.**

86. **County Board of Education.**—The general administration and supervision of the public schools of the educational interests of each county, with the exception of cities having a city board of education, shall be vested in the county board of education. Provided, however, such general administration and supervision of any city having a city board of education may be consolidated with the administration and control of educational matters affecting the County and vested in the County Board of Education.

87. **Members of County Board of Education.**—The County Board of Education shall be composed of five members, who shall be elected by the qualified electors of the county. They shall be persons of good moral character, with at least a fair elementary education, of good standing in their respective communities, and known for their honesty, business ability, public spirit and interest in the good of public education. No member of the County Board of Education shall be an employee of said Board.

88. **Vacancy in County Board Membership.**—In the event a vacancy occurs in the office of members of the County Board of Education, the vacancy shall be filled by appointment by a majority of the remaining members of the County Board of Education, and the appointee shall hold for the unexpired term. In the event the vacancy is not filled by the remaining members of the County Board within thirty days, the State Superintendent of Education shall fill such vacancy, by appointment. The County Superintendent of Education shall notify the State Superintendent of Education when a vacancy in the office of member of the County Board of Education has not been filled within thirty days.

Acquiring domicile in another State vacates membership on Board of Education. *Baker v. Conway*, 214 Ala. 356 (108 So. 18).

89. **County Board Members: When Elected.**—At the general election of State and County Officers a member or



members shall be elected for terms of six years to succeed the member or members whose term or terms of office expire at that time. The members of the County Board of Education shall hold office until their successors have been elected and qualified. Before exercising any authority or performing any duties as a member of the County Board of Education, each member thereof shall qualify by taking and subscribing to the oath of office prescribed by Article Sixteen of the State Constitution, the certificate whereof shall be filed in the office of the Judge of Probate of the County.

**90. Special Public Meeting of County Board.**—On the second Tuesday in May of each year the County Board of Education shall hold a meeting for the purpose of giving the public an opportunity of presenting to the Board matters relating to the allotment of public school funds, or any other matter relating to the administration of the public schools of the County.

**91. Meetings of County Board.**—The County Board of Education shall hold an annual meeting each year on the last Friday in November. At this meeting the Board shall elect each year one of its members to serve as president and one to serve as vice-president. Other regular meetings shall be held on the last Friday of February, May and September, and such special meetings may be held, and at such place as the duties and the business of the Board may require. The rules generally adopted by deliberative bodies for their government shall be observed by the County Board of Education. No motion or resolution shall be declared adopted without the concurrence of the majority of the whole Board.

**92. Compensation of County Board.**—The members of the County Board of Education shall receive from the public school funds of the County five dollars a day and their actual traveling and hotel expenses incurred in attending meetings of the Board, and transacting the business of the Board. The members of the County Board shall not be allowed pay for more than twelve days in any one year, and their expenses shall be paid in like manner as provided for the compensation of teachers. They shall not be required to hold teachers' certificates.

**93. County Superintendent of Education.**—The County Board of Education shall appoint as its executive officer a County superintendent of Education who shall also be the secretary of the County Board of Education. As secretary he shall conduct all correspondence of the Board, keep and preserve all of its records, receive all reports required by the Board, and see that such reports are in proper form, complete and accurate. He shall have the right to advise on any question under consideration by the Board, but shall have no vote. In case the office of the County Superintendent of Education is temporarily vacant, or when the County Superintendent of Education is absent by reason of the nature of business in hand, or otherwise, the Board shall appoint one of its members to act for the time being as secretary. The bond of the County Superintendent of Education shall be responsible for the faithful performance of duties by the member of the County Board of Education appointed to act as secretary in the absence of the County Superintendent.

**94. County Treasurer of School Funds.**—The County Board of Education shall select some suitable person to act as treasurer of all the public school funds of the County, including funds for County High Schools. The County Treasurer of school funds shall serve without pay. He shall receive and take charge of any money, fund, or proceeds of any character, which may accrue to the County for public school purposes. He shall pay out all such monies upon the written order of the County Board of Education, through its executive officer, the County Superintendent of Education, where such payment is approved by the chairman of the County Board of Education in writing, and shall perform such other duties as may be prescribed by law. County boards of education may arrange if it deems practical and beneficial, for a payment of interest on daily balances of bank deposits of public school funds by the Treasurer of the public school funds.

**95. Property Vested in County Board.**—All the property, estate, effects, money, funds, claims, and donations now or hereafter vested by law in the public school authorities of

any County for the benefit of the public schools of any County, hereby transferred and vested in the County Board of Education, and their successors in office. Real and personal estate granted, conveyed, devised or bequeathed for the use of any particular County, school district, or public school, shall be held in trust by the County Board of Education for the benefit of any such county school district or school.

96. **Uniform System of Schools Maintained.**—The county boards of education shall maintain a uniform and effective system of public schools throughout their respective counties.

97. **Educational Policy of County.**—The County Board of Education shall determine with and on the advice of the County Superintendent of Education, the educational policy of the County, and shall prescribe rules and regulations for the conduct and management of the schools.

Rule governing children leaving school grounds upheld. *Christian v. Jones*, 211 Ala. 161, (100 So. 99).

98. **Supervision of Schools.**—The County Board of Education shall exercise through its executive officer, the County Superintendent of Education, and his professional assistants, control and supervision of the public school system of the county. The Board shall consult and advise through its executive officer, and his professional assistants, with school trustees, principals, teachers, and interested citizens, and shall seek in every way to promote the interest of the schools under its jurisdiction.

99. **Sanitary Water Closets Required.**—The County Board of Education shall provide sanitary, hygienic, suitable and convenient water closets or out-houses for the children of the public schools under its jurisdiction, not less than two for each school or building when both sexes are in attendance, with separate means of access to each. It shall be the duty of said Boards to make provisions for keeping the said water closets or outhouses in a clean, comfortable, sanitary and hygienic condition.

100. **Consolidation of Schools.**—The County Board of Education shall consolidate schools wherever in its judgment it is practicable, and arrange, if necessary, for the transportation of pupils to and from such consolidated schools. But no schools shall be consolidated, by consolidating two or more schools located in different school districts, without the consent of the school trustees of each district.

When conditional consent of Trustees binding on County Board.  
State v. Campbell, 212 Ala. 493, (103 So. 471).

101. **Two Counties May Jointly Maintain School.**—The County Boards of Education of two or more counties shall have power to provide jointly for the maintenance of schools in or near the dividing line of such counties on the basis of the enrollment in such school from the counties represented. The administration and supervision of such school shall be placed under one of the county boards of education of said counties by agreement between the county boards of education, and if no agreement as to administration and supervision is made, it shall be under the Board of Education of the County in which the school house is located.

102. **Consolidated District in Two Counties.**—The county boards of two or more adjoining counties shall have the power by resolution spread upon the minutes of such County Boards of Education in the counties so adjoining to form a consolidated school district to be composed of the territory bounded by the limits set out for each County by the county boards of education in the aforesaid resolution. But no schools shall be consolidated by consolidating two or more schools without the consent of the school trustees of each district.

103. **Control of Consolidated School in Two Counties.**—The government and control of any school in the consolidated district composed of territory lying within two counties formed in accordance with the resolution of the boards shall be vested in the County Board of Education of the County in which the school building is located or is to be located, unless otherwise provided by agreement between the boards of education of the counties concerned.



104. **Consolidated School District, Funds Of.**—The county boards of education of the counties which have formed a consolidated district composed of territory lying within different counties, shall apportion funds to the school or schools in the consolidated district in the same manner as to any other district in the County. The funds apportioned to such consolidated district shall be paid over to the treasurer of school funds of the County in which the school building is located or is to be located.

105. **Facilities, How Improved.**—Whenever it becomes necessary to erect, repair, enlarge or equip any school building or buildings or otherwise improve the schools facilities in a consolidated school district composed of territory lying within two counties, the county boards of education in each of the counties concerned shall have the power to issue interest bearing warrants on any local tax levy or levies which have been or may hereafter be authorized in its respective County or in the fractional part of the consolidated school district lying within its respective County and use the proceeds from the sale of such warrants for the purpose set out in this Section. All other public funds available to each County may be expended for the benefit of the school or schools of such consolidated district in the same manner and for the same purpose as for the school or schools in other districts lying wholly within the County.

Interest bearing warrants and pledging of funds for payment thereof, see, *Kimmons v. County Board of Education*, 204 Ala. 384 (85 So. 774).

106. **State Line Schools.**—When a County Board of Education desires to provide for the joint maintenance of a public school by a County in this State and an adjoining County in another State, said Board shall ascertain what agreement with the authority having power to bind the County in the other State may be secured for such joint maintenance, and if the County Board deem the conditions of the agreement mutually advantageous, it shall certify the same, together with all the facts, to the State Superintendent of Education. The State Superintendent of Education shall investigate and if he deems the proposed arrangement advantageous

shall approve the same. Such approval shall authorize the joint maintenance of such state-line schools.

**107. County Unit System.**—The administration and control of educational matters affecting a County and a City or Cities of said County having a City Board of Education may be consolidated and vested in the County Board of Education.

**108. Consolidation of Administration of County and City Schools.**—Whenever the County Board of Education and a City Board of Education or City Boards of Education pass resolutions favoring a consolidation of the administration and control of the educational matters affecting such County and City or Cities under the County Board of Education, and reach a written agreement between the County Board of Education and the City Board of Education, and where necessary with the City Council or Commission, providing for the payment of existing indebtedness of either or both of said boards, said boards at their discretion may pass a resolution asking for a referendum on the proposed consolidation and it shall be the duty of the chairman of each of said boards to certify a copy of said resolution and agreement to the Probate Judge of the County.

**109. Election On County Unit System.**—Upon receipt by the Probate Judge of the certified copies of the resolutions and agreement of the boards of education he shall forthwith present the same to the Court of County Commissioners or other governing body of the County, which shall order an election to be held in the territory concerned at the time requested by said boards to determine whether or not educational matters affecting the County and City or Cities shall be administered by and under the control of the County Board of Education.

**110. Result of Election.**—All qualified electors residing in the territory concerned shall have the right to vote at such election and if a majority of all those voting at such election vote in favor of consolidating the administration and control of educational matters of such County and City or

Cities under the County Board of Education, then the City Board of Education of such City or Cities shall stand abolished and the County Board of Education shall thereafter administer and control the educational matters of such County and City or Cities as a unit. The consolidation shall not operate to relieve the County Board of Education or any City Board of Education of responsibility and liability for the just obligations made prior to such consolidation. The agreement as to existing indebtedness made between the County Board of Education and City Board of Education shall not impair the rights of anyone as to such indebtedness but may bestow on the person to whom such indebtedness is owed additional rights as to the payment thereof. Said agreement shall be binding on the County and City.

**111. Notice of Election.**—The Sheriff must give notice at least thirty days before any election to consolidate the control of educational matters affecting a County and City, by publication in some newspaper in the County if any is published therein, and if not, by writing, posted at the courthouse door and at three other public places in the County, of the time and purpose of holding such election.

**112. Election Officers.**—The inspectors and officers of such election shall be appointed and said election shall be held and the results thereof declared in the same manner and by the same officers as the results of the regular election for County officers under the general election laws of the State. Provided that the election may be held at the time for holding any regular election in the County, and if held at such time the inspectors and officers of the general election shall conduct at the same time the election herein provided, and for such services they shall receive no compensation other than that allowed them for holding the general election. If such election is held at some other time than that of holding a regular election in the County, then the election officers shall receive the same pay as for holding a general election.

**113. Ballots, For Election.**—The ballots used in said election shall have printed at the top the purpose of said election and directly underneath in plain type shall be printed on

different lines the words, "For consolidation", "Against consolidation," and a blank must be left directly to the left of each line thereof, and the voter favoring the proposed consolidation will make a cross mark directly to the left of the line "for consolidation" and the voter not in favor of the proposed consolidation will make a cross mark directly to the left of the line "Against Consolidation."

**114. Annexing to City Territory Embracing Schools.—**When any part of the territory embracing a school under the supervision and control of the County Board of Education is annexed to a City having a City Board of Education by extension of the corporate limits of such City, the County Board of Education shall retain supervision and control of said school and for school purposes shall retain the same control of the territory and revenues which it exercised prior to such annexation, for the purpose of using and devoting said school to the benefit of all children who were or would be entitled to the use and benefit of the school so long as it was a County school, until an agreement has been made between the County Board of Education and the City Board of Education, and the City Council or Commission or other governing body of the City to which the territory was annexed, with reference to the matter of existing indebtedness and of providing the same or equivalent school facilities for the children in that part of the territory in the school district or districts not annexed or made a part of such City.

**115. Arbitration.—**If such agreement is not reached within thirty days after the annexation it shall then be mandatory to refer the final disposition of the matter to arbitration by a board consisting of three members, one to be selected by the County Board of Education, one to be selected by the City Board of Education, and the third member to be selected by these two members. If the two said members are unable to agree upon the third member of the board of arbitration, the State Superintendent of Education shall appoint the third member.

**116. Hearing By Board of Arbitration.—**The Board of Arbitration shall secure all facts available relative to the mat-



ter, hold a public hearing for the purpose of giving an opportunity for every contention to be presented by both evidence and argument, and determine all matters relative to the transfer of the control, existing indebtedness, and use of such school. The findings of a majority of said Board of Arbitration shall be binding on all concerned.

**117. Teachers Appointed By County Board.**—The County Board of Education shall appoint, upon the written recommendation of the County Superintendent, all principals, teachers, clerical and professional assistants authorized by the board. The County Board may suspend or dismiss for immorality, misconduct in office, insubordination, or incompetency or wilful neglect of duty, or whenever, in the opinion of the Board, the best interests of the school require it, superintendent, principals, teachers, or any other employees or appointees of the Board.

**118. Courses of Study.**—The County Board of Education shall prescribe, on the written recommendation of the County Superintendent of Education, courses of study for the schools under its jurisdiction, and a printed copy of these courses of study shall be supplied to every teacher and to every interested citizen of the County.

**119. Schools Graded and Standardized.**—The County Board of Education shall, upon the written recommendation of the County Superintendent of Education, grade and standardize all the schools under its jurisdiction.

**120. Uniform Opening Date of Schools.**—The County Board of Education in order to expedite the payment of teachers' salaries and to make possible efficient supervision, shall fix a uniform date each year for the opening of all schools in the County under its jurisdiction, and all schools as far as in the opinion of the County Board of Education may be practicable, shall open on said date. If for any reason the Board shall permit any schools to open at later date, the reports and records of such schools shall be made so as to conform to the scholastic months, counting from the uniform date hereinabove mentioned.

121. **Biennial School Census.**—The County Board of Education, subject to the rules and regulations of the State Board of Education shall cause to be taken, under the direction of the County Superintendent of Education, a biennial school census of the children in the County between the ages of six and twenty-one inclusive, to be taken in July of each even numbered year, and the County Superintendent of Education, upon the direction at any time of the State Superintendent of Education, shall cause the whole or any part of any school census in his County to be retaken.

122. **Census Enumerators.**—The County Board of Education, upon the recommendation of the County Superintendent of Education, shall appoint a sufficient number of enumerators to take the census of the County during the month of July or at such other time as the State Superintendent of Education shall cause the whole or any part of any school census in a county to be retaken. The County Board of Education, upon the recommendation of the County Superintendent of Education, shall fix the compensation of the enumerators taking any school census, and shall order them paid out of the treasury of the County. The report of the enumerators shall be made under oath to the County Superintendent of Education not later than the fifteenth day of August next succeeding for the census taken during the month of July, and not later than seven days after the direction of the State Superintendent of Education where the census or part thereof has been caused by the State Superintendent of Education to be retaken.

123. **Annual Report Published.**—The County Board of Education shall publish annually in the County newspaper at the County Seat of each County a full and complete itemized statement of the receipts and disbursements of the County at the same time it forwards same to the State Superintendent of Education. The County Board of Education shall also cause to be prepared and published annually, in the month of October in sufficient quantities for distribution among the citizens of the County an annual report covering the condition, current accomplishments, and needs for the

improvement of the schools, also, a statement of the business and financial transactions of the Board, which statement shall contain an itemized account of all receipts and expenditures of said Board. Such statement must show the total amount of school funds received by the County and the sources from which derived; the amount expended for teachers' salaries in each of the several schools of the County and the amount paid out of the school funds for any other purpose than teachers' salaries must be shown and shall include the name of the person to whom paid, the amount of each of such items and the purpose for which said amounts were expended. The refusal or negligent failure of any member of the County Board of Education to comply with the provisions of this section shall constitute a misdemeanor.

**124. Free Separate Schools For White and Colored.**—The County Board of Education shall provide schools of two kinds, those for white children and those for colored children. The schools for white children shall be free to all white children over six years of age. The schools for colored children shall be free to all colored children over six years of age.

**125. Age of Child to Enter School.**—No child who is not six years of age at the opening of the school shall have the right to compel admission to the school.

**126. Grades Included in Public Schools.**—The public schools of the County shall include elementary schools, that is, grades one to six, inclusive; junior high schools, that is, grades seven to nine, inclusive; and senior high schools, that is, grades ten to twelve, inclusive.

**127. Compulsory School Attendance Districts.**—The County Board of Education shall, upon the recommendation of the County Superintendent of Education, arrange the County into one or more appropriate and convenient compulsory school attendance districts; shall keep full and complete records of the boundaries thereof, and shall see to it that the compulsory attendance law is enforced.

**128. Conditions of Promotion of Pupils.**—The County Board of Education, upon the recommendation of the County

Superintendent of Education, shall prescribe the conditions on which pupils in the elementary schools, limited to the first six grades of elementary instruction, may be admitted to junior high schools; and also the conditions upon which pupils in junior high schools may be admitted to senior high schools.

**129. Forms of Reports May Be Prescribed.**—The County Board of Education shall prescribe, upon the recommendation of the County Superintendent of Education, forms and blanks on which school trustees, supervisors, attendance officers, principals, teachers, janitors, and other regular employees shall make such reports as shall be required from them by the County Board of Education.

**130. Funds May Be Borrowed to Pay Teachers.**—The County Board of Education shall have authority, upon the recommendation of the County Superintendent of Education, to borrow money on the credit of the School Fund of the County to meet salaries of teachers and current expenses when the current funds on hand are not sufficient to meet the same, to be secured by a pledge of the current revenues of the year. It shall be the duty of the County Board of Education and the County Superintendent of Education to secure such a loan, if practicable, when the current funds on hand are not sufficient to promptly pay the teachers' salaries. All such current loans, except such as are based on County and District local tax proceeds, shall be paid within the school year in which such current loans are made, and from the funds accruing for the support of the schools within such given school year. The amount so borrowed shall at no time exceed one-third of the sum paid out for current expenses during the preceding year.

Authorized to borrow money to pay current expenses and pledge funds of subsequent years to pay same. *Huestes v. Hearin*, 213 Ala. 106 (104 So. 273).

**131. Reports By County Board to the State Board.**—The County Board of Education shall make all the reports required to the State Board of Education at such time, upon such items, and in such form and on such blanks as may be prescribed by the State Board of Education.



**132. Powers of County Board.**—The County Board of Education shall have the right to acquire, purchase, or by the institution of condemnation proceedings if necessary, lease, receive, hold, transmit and convey the title to real and personal property for school purposes. It may sue and contract, all contracts to be made after resolutions have been adopted by the Board and spread upon its minutes. All processes shall be executed by service on the executive officer of the Board.

County Board determines necessity of condemning property. *Dean v. County Board of Education*, 210 Ala. 256 (97 So. 741). County Board quasi-corporation and may sue or be sued. *County Board of Education v. Watts*, 19 Ala. App. 7 (95 So. 498); 209 Ala. 115 (95 So. 502); *Alfred v. Dunn*, 207 Ala. 469 (93 So. 390); *Wall-Hay-Wall Lbr. Co. v. Matthews* (100 So. 824); *Kimmons v. County Board of Education*, 204 Ala. 384 (85 So. 774); Effect of acceptance of bid by Board, *County Board of Education v. Cement Products Co.* 209 Ala. 310 (96 So. 236). County Superintendent cannot bind Board without Board's consent. *North Alabama Lbr. Co. v. County Board of Education*, 210 Ala. 254 (97 So. 734).

**133. Trustees, How Selected.**—The County Board of Education shall appoint for every school in the County from six discreet, competent and reliable persons of mature years nominated by the patrons of the said school, three persons residing near the schoolhouse, and having the respect and confidence of the community, to serve as trustees of the school, to care for the property, to look after the general interests of the school, and to make to the County Board of Education, through the County Superintendent of Education from time to time, report of the progress and needs of the school, and of the will of the people in regard to the school.

**134. Insurance on Schools.**—The County Board of Education is charged with the duty of seeing that every school building whose title is vested in the State, County or school district is insured for its insurable value, and to this end may use a part of the proceeds of incidental fees, district tax levies, or such other funds as may be specifically set apart for such purpose by the County Board of Education.

**135. County Board, Other Duties.**—The County Board of Education shall perform such other duties as are assigned

to it elsewhere in this Code, or may be assigned to it from time to time in accordance with law.

**136. Funds May Be Borrowed to Pay Debts Created Prior to October, 1927.**—The County Boards of Education of the several counties of this State may borrow money for the purpose of paying the debts incurred or created by such boards respectively, which are unpaid, and such as may be incurred or created to the first day of October, 1927, and may issue warrants therefor, bearing interest at a rate not to exceed six per centum per annum, and payable at such time as the Board may fix, or may use such warrants in the payments of such debts; such warrants to be payable out of any school fund of the County issuing the same. At least one fifteenth of such indebtedness must be retired annually.

**137. District Tax May Be Used For Building and Equipment.**—The respective county boards of education and city boards of education in the respective counties and cities of the State of Alabama may appropriate and use any district three mill tax that has been or may hereafter be voted in any school district to pay and discharge any obligations or debts which may have been or hereafter are created to build, furnish or equip a public school building for said school district, or to refund money out of the said three mill district tax to any person or corporation who has or may hereafter advance money for such purpose.

## ARTICLE VII.

### County Superintendent of Education.—Section 138-177.

**138. County Superintendent of Education.**—There shall be a County Superintendent of Education in each County of this State who shall act as the chief executive officer of the County Board of Education, and who shall also be secretary of the County Board of Education. The County Board of Education of each County shall appoint a Superintendent of Schools for a term of from two to four years from the first day of July next succeeding his appointment.

Local law for election of Superintendent effecting removal of incumbent from office void. *Petree v. McMurray*, 210 Ala. 639, (98 So. 782). Salary cannot be increased nor decreased during term of office. *McMurray v. County Board of Education* (112 So. 644).

**139. Qualifications of County Superintendent.**—No person shall be eligible for appointment by any County Board of Education or for political party nomination or for election to the office of County Superintendent of Education of any County, who does not as now required hold an Alabama certificate in administration and supervision based as a minimum upon graduation from a standard normal school or equivalent education, with at least one year of additional study of college grade and proof of three years of successful teaching experience next preceding his appointment; provided that the provisions of this section shall not apply to County Superintendents of Education in office on October 1, 1923. A County Superintendent of Education need not be a qualified elector of the County in which he serves.

**140. Candidates for County Superintendent.**—Before any person shall become an applicant for employment by a County Board of Education, as County Superintendent of Education, and before any person shall qualify as a candidate for or for the nomination of a political party as a candidate for the office of County Superintendent of Education for a County in which such officer is elected by the qualified voters of the County, such person shall file with the Probate Judge a certificate signed by the State Superintendent of Education that such person holds a certificate of administration and supervision as required by the law prescribing the qualifications of a County Superintendent of education. At the Grand Jury of the County assembled next after making of such affidavits the record of the same shall be submitted to the grand jury. In any prosecution for perjury under this Section the record of the affidavit shall be admissible in evidence.

**141. Ballot: Misdemeanor to Print Name of Person Without Certificate on.**—Any person securing his name, or the name of another printed on a ballot as a candidate for, or nomination by a political party as a candidate for the of-

fice of County Superintendent of Education, without first there having been filed with the Probate Judge as required by law, the certificate signed by the State Superintendent of Education that the person whose name is printed on the ballot holds a certificate of administration and supervision, and any officer permitting the printing on a ballot of the name of a person as a candidate for, or nomination by a political party as a candidate for the office of County Superintendent of Education when there has not been filed with the Probate Judge such certificate shall be subject to a penalty of two hundred and fifty dollars, recoverable in the name of the State for the use of any school district first instituting suit therefor. Any resident of the County may institute suit for such recovery for any school district of the County.

142. **Political Party May Nominate Candidate.**—Any political party may, in a County where the County Superintendent is elected by a direct vote of the qualified electors, either nominate a candidate for such office or may certify to the Probate Judge that said political party desires to leave the election of a County Superintendent of Education to the County Board of Education. Whenever any political party certifies that such political party desires to leave the selection of such officer to the County Board of Education the Probate Judge shall cause to be entered on the ballot where the names of such candidates (if nominated) would appear, the following, to-wit: "For selection by the County Board of Education". Such proposition shall appear on the ballot before the names of the candidates and be arranged so that the elector may express his choice for such proposition in the same manner as he expresses his choice for a candidate. Every qualified elector may vote for such selection by the County Board of Education or any candidate for such office. In the event more votes are cast for selection by the County Board of Education than for any candidate, then the County Board shall select such officer for the ensuing term. No elector shall be disqualified from participating in any party caucus, convention or election because he voted for the proposition or selection by the County Board of Education even though his political party nominated a candidate for such position.



**143. Primary Election to Nominate Superintendent Regulated.**—Whenever any political party holds a primary election for the nomination of candidates in counties where County Superintendents are elected by a direct vote of the qualified electors, and one or more persons qualify as candidates for nomination by such political party as candidate for County Superintendent of Education there shall be entered on the ballot of such primary election with the names of such candidates for County Superintendent of Education the proposition, to-wit: "For selection by the County Board of Education". Such proposition shall appear on the ballot before the names of the candidates and be arranged so that the elector may express his choice for such proposition in the same manner as he expresses his choice for a candidate. If more votes are cast for selection by the County Board of Education than for any candidate, then the duly constituted authority of such political party holding such primary election shall certify to the Probate Judge that said political party favors the selection of said County Superintendent of Education by the County Board of Education.

**144. Ballot: Requirements Relative to County Superintendent.**—Where county superintendents are elected by a direct vote of the people, or nominated at a primary election, and the proposition of selection by the County Board is also submitted at such election, there must be printed instructions on the ballot of such election substantially as follows: "Vote either for selection by County Board of Education or for one candidate."

**145. County Board: When May Select Superintendent.**—Where the qualified electors of a County in which County Superintendents of education are elected by a direct vote of the people vote to leave the selection of such officer to the County Board of Education, the County Board of Education shall not have authority to appoint a County Superintendent of Education for a longer term than the ensuing term prescribed by the law relating to the County.

**146. Certificate of Administration and Supervision.**—Any person possessing the qualifications prescribed by law

for a certificate of administration and supervision required as a qualification of a County Superintendent of Education shall be entitled to have a certificate signed by the State Superintendent of Education showing such qualifications upon application in writing on blanks prescribed by the State Board of Education and the submission of satisfactory showing that he is entitled to the same. It shall be the duty of the State Superintendent of Education where a person is qualified to receive such certificate and has complied with the provision of law relative to securing same, to forthwith issue the same and in the event the State Superintendent of Education when it is his duty to do so fails to issue such certificate within two weeks, and there is no good reason for such failure, he shall be subject to a penalty of two hundred and fifty dollars to be recovered for the benefit of the person entitled to such certificate in a suit by such person in the Circuit Court of Montgomery County.

**147. Bond of County Superintendent of Education.**—Before assuming any duties the County Superintendent of Education must give bond in an amount to be fixed by the State Board of Education in a reputable Surety Company authorized to do business in Alabama, conditioned upon the faithful performance of the duties of his office, and upon the accounting and paying over to the proper authority of all monies coming into his hands. Such bond must be filed and recorded in the office of the Judge of Probate of the County, and a certified copy of the bond must also be filed in the office of the State Superintendent of Education for its approval.

Liability on bond. *Bradford v. State*, 204 Ala. 46 (85 So. 435).

**148. Vacancy in Office of County Superintendent.**—A vacancy in the office of County Superintendent shall be filled by the County Board of Education within thirty days after such vacancy occurs. In the event such vacancy is not filled by the County Board of Education within thirty days, the State Superintendent of Education shall fill such vacancy by appointment. The appointee shall hold office for the unexpired term. Term, as used in this Section, includes in addition to those terms the beginning and ending of which are

fixed definitely by the law, terms fixed by the County Board of Education, in which latter case the unexpired term shall be the balance of the term fixed for the last person serving as such officer; provided that when there is such vacancy which the State Superintendent is authorized to fill, and no term has been fixed by the County Board of Education, and no term of definite duration is fixed by law, the appointee of the State Superintendent of Education shall serve two years from the next succeeding first of July.

What constitutes vacation of office. *Head v. Hood*, 214 Ala. 353, (107 So. 854).

**149. County Superintendent Must Devote Entire Time To Office.**—The County Superintendent of Education shall devote his entire time to public school business, and shall receive such compensation as the County Board of Education shall direct. In counties where superintendents of education are elected by direct vote of the qualified electors, the salary for the office must be fixed prior to the beginning of the term of office.

**150. Superintendent: Duties As Executive Officer of Board.**—The County Superintendent of Education as the executive officer of the County Board of Education, shall see that the laws relating to the schools, the rules and regulations of the State and County Boards of Education are carried into effect. The County Superintendent of Education shall have authority to administer oaths, and to examine witnesses, under oath, in any part of the County on any matter pertaining to the public schools of the County, and to cause the examination to be reduced to writing.

**151. Location of School Buildings.**—The County Superintendent of Education, subject to the provisions of this Code, shall recommend for approval and adoption by the County Board of Education, the kind, grade and location of schools to be established and maintained, and the compulsory school attendance districts to be established.

**152. Educational Policies.**—The County Superintendent of Education, subject to the provisions of this Code, shall

recommend for approval and adoption by the County Board of Education, educational policies to promote the educational interests of the County and rules and regulations for the conduct of the schools.

**153. Conferences Called and Conducted By Superintendent.**—The County Superintendent of Education as executive officer of the County Board of Education, shall call and conduct conferences with principals, teachers, attendance officers, school trustees, and other interested citizens, and shall in every way seek to foster in teachers professional insight and efficiency, and to develop public interest in education.

**154. Building Program and School District Boundaries.**—The County Superintendent of Education shall recommend a building program adequate to the present and future needs of the schools in the County. He shall recommend a plan for the laying out of such local district or districts as will best serve the interests of the entire County, and shall submit the same for approval and adoption by the County Board of Education.

**155. Buildings and Playgrounds: Condemnation and Improvement Of.**—The County Superintendent of Education shall recommend to the County Board of Education for condemnation school buildings which are insanitary and unfit for use. He shall recommend in writing all repairs, purchase of playgrounds, and school sites and buildings to be erected with State, County and local aid, and shall see to it that the plans and specifications, and the rules and regulations of the State Board of Education, with reference to the erection, repair, and equipment of the school buildings, are carefully followed. He shall approve in writing all contracts of whatever kind entered into by the County Board of Education.

**156. High Schools: Conditions of Admittance To.**—The County Superintendent of Education, subject to the provisions of this Code, shall prepare and submit for approval and adoption by the County Board of Education, rules and regulations governing the conditions under which children may be admitted to junior and senior high schools of the County.



**157. Consolidated Schools, Plans For.**—The County Superintendent of Education, subject to the provisions of this Code, shall work out plans for the consolidation of schools, and for the grounds, buildings, and equipment of such consolidated schools, and submit the same for approval and adoption by the County Board of Education.

**158. Courses of Study.**—The County Superintendent of Education shall prescribe courses of study for the schools of the County and submit the same for approval and adoption by the County Board of Education. Printed copies of these courses of study shall be supplied to every teacher and interested citizen of the County.

**159. Grading and Standardizing Schools.**—The County Superintendent of Education shall prepare rules and regulations for grading and standardizing all public schools of the County, and shall submit same for approval and adoption by the County Board of Education. He shall grade and standardize all public schools of the County, and shall recommend the same for the approval of the County Board of Education.

**160. Teachers Examinations: County Superintendents Duty As To.**—The County Superintendent of Education shall be the representative of the State Superintendent of Education in all State examinations for teachers' certificates, conducted within the County, and shall perform such duties in connection therewith as may be required by the State Superintendent of Education.

**161. Employees Nominated and Transferred By Superintendent.**—The County Superintendent of Education shall nominate in writing for appointment by the County Board of Education, all principals, teachers, and all other regular employees of the Board. He shall assign them to their positions, transfer them as the needs of the schools require, recommend them for promotion, suspend them for cause, and recommend them for dismissal.

Teachers cannot be employed except on recommendation of Superintendent. County Board of Education v. Watts, 19 Ala. App. 7 (95 So. 498); 209 Ala. 115 (95 So. 502).

162. **Institutes and Reading Circle Work.**—The County Superintendent of Education shall organize and attend County and local institutes for teachers and citizens, and shall organize and direct the reading circle work of the County, advise teachers as to their further study in professional reading, and assist parents and citizens to acquire knowledge of the aims and work of the school.

163. **Visitation of Schools.**—The County Superintendent of Education shall visit the schools, observe the management and instruction, and give suggestions for the improvement of the same. He shall advise with principals, teachers, school trustees and other interested citizens, and shall endeavor in every way to promote public interest, and improve the school conditions of the County.

164. **Report Blanks.**—The County Superintendent of Education, subject to the provisions of this Code, shall prepare forms and blanks on which school trustees, supervisors, attendance officers, principals, teachers, janitors, and other regular employees shall make such reports as shall be required by the County Board of Education, and shall submit the same for approval and adoption by the County Board of Education.

165. **Annual Statement of Receipts and Disbursements.**—It shall be the duty of the County Superintendent of Education to prepare in accordance with the direction of the County Board of Education the annual statement of receipts and disbursements which is required to be published in a newspaper, and the annual report which the County Board of Education is required to publish for distribution among the citizens of the County, and to see that the same are properly published. The refusal or negligent failure of a County Superintendent of Education to comply with the provisions of this section shall constitute a misdemeanor.

166. **Annual Budget.**—The County Superintendent of Education shall prepare an annual school budget for the schools of the County, and shall submit the same for approval and adoption by the County Board of Education not later

than the regular meeting of the Board in the month of May. He shall in every way seek to secure funds for the support and development of the schools of the County.

**167. Biennial School Census.**—The County Superintendent of Education, subject to the provisions of this Code, shall direct the taking of the County biennial school census. He shall cause the census to be retaken in whole or in part when directed to do so by the State Superintendent of Education. The County Superintendent shall require the enumerators to make their report to him not later than August the fifteenth following the date of taking the census, and on or before September the first following, the County Superintendent of Education shall make his consolidated report to the State Superintendent of Education. This consolidated report shall include the census data reported to him by the Superintendents of schools of cities having a City Board of Education.

**168. Enforcement of Attendance Laws, Reports.**—The County Superintendent of Education shall see to it that the laws requiring school attendance are enforced. The County Superintendent of Education shall prepare, or cause to be prepared, and submit to the County Board of Education for adoption, all reports required of the County Board of Education by the State Superintendent of Education, and he shall prepare, or cause to be prepared, and submit to the County Board of Education the annual report as required under this Code.

**169. Assistants to County Superintendent, Office, Etc.**—The County Board of Education may in its discretion provide upon the nomination of the County Superintendent of Education, at least the following assistants: an elementary school supervisor and a statistical and stenographic clerk. No person shall be eligible for appointment as such supervisor who does not hold a certificate of administration and supervision as required of County Superintendents of Education. The County Board of Education may employ additional clerical and professional assistants, including health supervisors, and may reimburse them for all actual traveling

expenses necessary in the performance of their official duties. The County Superintendent is hereby required to maintain an office at the County seat. The County Board of Revenue or Court of County Commissioners shall provide the County Superintendent of Education and his professional and clerical assistants with ample, convenient and comfortable office quarters. The County Board of Revenue or Court of County Commissioners shall also provide necessary furniture, office equipment, stationery, postage, forms, and supplies required by the County Superintendent of Education and his assistants.

**170. Report on Schools to State Superintendent.**—The County Superintendent of Education shall, on or before the first day of November of each year forward to the State Superintendent of Education on blanks to be furnished him by the latter, an annual report of the public schools of his County for the preceding year. In the event any County Superintendent shall fail to make and forward to the State Superintendent of Education any report required under this article within ten days after the time it should be made, he shall be liable to impeachment and the resolution of the State Board of Education duly adopted setting forth such failure shall be prima facie evidence of such fact. The books, accounts, and vouchers of the County Superintendent of Education may be examined at any time by the State Superintendent of Education in person or by his duly authorized agent.

**171. Pay-roll, Preparation Of.**—The County Superintendent of Education shall, at such times and in such manner as directed by the County Board of Education and approved by the State Superintendent of Education, prepare his pay roll or pay rolls for the payment of teachers, employees, bills and other items authorized by the County Board of Education. Provided, however, the State Board of Education shall have the power to promulgate rules and regulations governing the time, manner and method of preparing such pay rolls, and such rules and regulations shall be binding on all to whom they are made applicable.



**172. Pay Roll; When Prepared.**—The County Superintendent of Education, unless otherwise directed under the authority of the preceding section, at the end of each scholastic month following the date fixed for the opening of the schools in the County shall prepare a pay roll covering all teachers and employees payable by the scholastic month; and at the end of the calendar month shall prepare a pay roll covering all teachers, employees, bills and items authorized by the County Board of Education payable by the calendar month.

**173. Estimate of Funds Needed Filed With Treasurer.**—Not later than ten days prior to the time of payment of any pay roll, the County Superintendent of Education shall file with the County Treasurer of school funds a certificate showing the amount estimated to be required to meet such pay roll.

**174. City School Funds: Payment Of.**—The County Superintendent of Education, not later than the fifth day of each calendar month shall make a pay roll covering at least one seventh of the available school funds apportioned by the County Board of Education to cities having a City Board of Education until the full amount apportioned to said cities shall have been paid. No such pay roll must be paid by the County Treasurer of school funds until the bond of the City Superintendent of Schools and the bond of the City Treasurer shall have been made, approved and a certified copy of each placed on file in the office of the State Department of Education.

**175. All-Time Employment By County Board.**—Nothing shall be construed as preventing a County Board of Education from contracting with teachers and other employees for a longer period of time than that actually devoted to teaching or the conduct of the schools while actually in session. But no teacher or employee shall be entitled to receive any payment from public funds unless his time has been employed as required by the contract of employment and unless all current records for which such teacher or employee is re-

sponsible shall have been kept with care and accuracy, and no teacher or employee of the Board shall be entitled to receive any payment from public funds unless all records and reports required by the State Superintendent of Education or County Board of Education shall have been properly made and submitted.

**176. Vacations and Leaves of Absences.**—The County Board of Education shall have the authority, under such rules and regulations as may be promulgated from time to time by the State Board of Education upon the recommendation of the State Superintendent of Education to provide for the payment from public funds of teachers or other employees of the County Board of Education who are employed by the year for not over two weeks which said teacher or employee may be allowed by said Board as a vacation, but such vacation must not be allowed during the time the schools are in session; and to provide leaves of absences during the time the schools are not in session for such teachers and employees on part or full pay when such teacher or employee devotes such leave of absence to instructing in or attending schools for teacher training or in such manner as approved by the State Board of Education as beneficial to the educational work of the County; and to provide for the payment of any teachers, whether employed by the year or not, for absences during the time schools are in session where such absence results from sickness or some other unavoidable cause which prevents such teacher from discharging his duties, provided such payment shall not exceed one half of the proportionate part of the regular salary of such person for the period of absence, and provided further that pay for such absence caused by sickness shall not be allowed for a longer time than four weeks during any one year and pay for such absences resulting from unavoidable causes other than sickness shall not be allowed for a longer time than one week during any one year.

**177. Approval of Pay Roll.**—No money shall be paid on any pay roll unless the County Superintendent of Education certifies thereto in writing that the same in every respect is

correct and that the amounts contained thereon are due the parties as shown thereby and that the same should be paid, and unless the chairman of the County Board of Education endorses on said pay roll an order that the same be paid.

## ARTICLE VIII.

### The Board of School Trustees.—Sections 178-187.

178. **Meeting of School Trustees.**—The Board of School Trustees shall hold an annual meeting each year on the first Saturday in May, or as soon thereafter as practicable. At this meeting the Board shall appoint one of its members as chairman and shall give notice of such appointment to the County Board of Education. Other regular meetings shall be held at least twice during the scholastic year, and such special meetings shall be held as the duties and business of the Board shall require.

Recovery of insurance by Trustees. American Insurance Company v. Newberry, (112 So. 195).

179. **Secretary of Board of School Trustees.**—The principal teacher of the school shall be the secretary of the Board of School Trustees and shall attend all meetings of the Board except when the Board is in executive session. The principal teacher shall, with the consent of the majority of the members of the Board, have the right to speak upon all questions, but shall have no right to vote, shall prepare for adoption all reports required by the County Board of Education, shall keep all records of accounts of incidental funds, shall keep the minutes of the meetings of the Board in the record book provided by the County Board of Education, and shall conduct the correspondence of the Board of School Trustees.

180. **Teacher May Be Refused By Trustees.**—The Board of School Trustees may by unanimous vote refuse to accept the assignment of any teacher within ten days from the date of the Superintendent's notice of assignment, upon written notification to the County Superintendent of Education setting out the reason for such refusal, and it is hereby made the

duty of the County Superintendent of Education to nominate another teacher for such school.

**181. Dismissal of Pupils.**—No teacher shall dismiss pupils during school hours, or close the school during school hours, unless in case of emergency, without the consent of the Board of School Trustees or the County Superintendent of Education.

**182. Incidental Fee.**—The Board of School Trustees shall have the power with the approval of the County Board of Education to fix and collect a reasonable incidental fee to be paid by each pupil entering the school. Monies received from such fees shall constitute an incidental fund subject to use for repairs, improvement of grounds, insurance and other incidental expenses. The principal teacher of said school shall be the custodian of the incidental fund, shall keep an accurate account of the same, and pay the same out on the order of the Board of Trustees. Such custodian shall make report to the County Board of Education at least once each year of receipts and disbursements, and whenever requested by said Board to do so.

Collection of Incidental Fee. *Kennedy v. County Board of Education*, 214 Ala. 341 (107 So. 907) and cases listed and cited therein. Exclusion of child for non-payment. *Hughes v. Outlaw*, 197 Ala. 452 (73 So. 16).

**183. School Visited By Trustees.**—The Board of Trustees shall visit the schools under its jurisdiction at least once each month and consult with the teachers and principals of the schools as to the progress of the pupils, conditions and cleanliness of the school, and the grounds belonging to same, and give such aid as in its power for the advancement of said schools.

**184. School Building Controlled By Trustees.**—The Board of School Trustees shall have the care of the building and grounds, the school apparatus and other school property, and shall keep the County Board of Education advised about matters affecting the educational interest of said school. It shall attend to all incidental repairs and pay for same out of the incidental funds collected in accordance with this article,



provided that when repairs are to be paid for out of other than incidental funds, the amount to be expended shall be approved by the County Superintendent of Education and authorized by the County Board of Education before the repairs are made.

**185. Charges Against Teacher May Be Filed By Trustees.**—The Board of School Trustees shall seek in every way to develop sentiment in the support of the schools and in case of dissatisfaction they may file with the County Board of Education written charges requesting the removal of the principal or any other teacher in said school.

**186. Sanitary Conditions Maintained By Trustees.**—The Board of School Trustees shall see that the water closets or out-houses connected with the school are kept clean, comfortable, and in a sanitary and hygienic condition.

**187. Use of School House For Civil Purposes.**—The Board of School Trustees shall have the power to authorize the use of the schoolhouse for such civic, social, recreational and community gatherings as in its opinion do not interfere with the principal use of the said school building or property. It shall be the duty of the person or persons making application for the use of the schoolhouse for a public meeting place to see that the said schoolhouse after said meeting is in as clean a condition as it was before said meeting, and in case of failure upon the part of said person or persons to whom permission has been granted to hold the meetings to place said school after said meeting in as clean a condition as it was when said schoolhouse was turned over to said person or persons for said meeting, or the failure of the person or persons to respond in damages to any injury to the property, the ordinary wear and tear excepted, the Board of School Trustees shall refuse all further applications for the use of such schoolhouse by the same parties.

## ARTICLE IX.

**City Board of Education.—Sections 188-218.**

188. **Definition of City.**—A City within the meaning of this Code shall include all incorporated Municipalities of twenty-five hundred or more inhabitants, according to the last or any succeeding Federal census.

189. **City in Jefferson County.**—A City within the meaning of this Code shall not include cities of less than six thousand population according to the last or any succeeding Federal census which are located in Counties having a population of as much as three hundred thousand or more inhabitants according to the last or any succeeding Federal census.

190. **Indebtedness Where County Unit System Adopted.**—Whenever the control and administration of educational matters affecting a Municipality having a City Board of Education is transferred to or for any reason becomes vested in the County Board of Education, the existing indebtedness created prior to such transfer and the rights to collect the same shall in nowise be impaired.

191. **City Board of Education: How Constituted.**—The general administration and supervision of the public schools and educational interests of each City shall be vested in a City Board of Education, to be composed of five members who shall be residents of such City, and who shall not be members of the City Council or Commission. The members of such City Board of Education who shall serve without compensation, shall be chosen solely because of their character and fitness, but no person shall be appointed or elected to this Board under the provisions of this Section who is in any way subject to the authority of the Board.

192. **Terms of Members of City Board of Education.**—Annually at the regular meetings of the City Council or Commission in April the said Council or Commission shall elect a member or members of the Board of Education to succeed those whose term or terms of office expire that year.

The terms of office of members of the City Board of Education shall be five years, and the term of one member shall expire annually. In the event of a vacancy in the membership of the City Board of Education by resignation or otherwise, the fact shall be reported to the City Council or Commission by the said Board, and the said Council or Commission shall elect a person to fill such vacancy for the unexpired term.

**193. Office of City Board of Education.**—The office of the City Board of Education shall be in the principal school building of the respective City, unless otherwise adequately provided for. The City Board of Education shall provide the City Superintendent of Schools, his professional and clerical assistants with ample, convenient and comfortable office quarters and with adequate clerical supplies and equipment.

**194. Meetings of City Board of Education.**—The City Board of Education shall hold its annual meeting each year at its first regular meeting in May following the election of said Board or any member thereof. At this meeting the Board shall elect each year one of its members to serve as president and one to serve as vice-president. The rules generally adopted by deliberative bodies for their government shall be observed by City Boards of Education. No motion or resolution shall be declared adopted without the concurrence of the majority of the whole Board. The Board shall hold such other meetings as may be provided for in its by-laws.

**195. City Superintendent: Appointed By City Board of Education.**—The City Board of Education shall appoint as its executive officer a Superintendent of Schools, who may also be secretary of the Board of Education. A City Superintendent of Schools must possess the same qualifications required of a County Superintendent of Education. The Superintendent of Schools shall conduct all correspondence of the Board, keep and preserve all of its records, receive all reports required by the Board, and see that such reports are in proper form, complete and accurate. He shall attend all meetings of the Board and of its committee. He shall have the right to

advise on any motion under consideration, but shall have no vote. In case the secretary is absent, the Board shall appoint some member of the Board or a teacher in the schools under the jurisdiction of said Board to act for the time being.

**196. Custodian of School Funds of City.**—The City Treasurer shall be custodian of the school funds of the City. He shall receive and hold all monies to which the Board of Education is entitled by law or which may come into its possession, keeping same separate and apart from all other funds. He shall pay out such monies only on the written order of the Superintendent of Schools, approved by the chairman of the City Board of Education, and shall keep such records and accounts of its funds as shall be required.

**197. Bonds of City Superintendent and City Treasurer.**—Before assuming any of the duties of the office, the City Superintendent of Schools and the City Treasurer must give bond in an amount to be fixed by the State Superintendent of Education in a reputable surety company authorized to do business in Alabama conditioned upon the faithful performance of the duties of his office and upon the accounting and paying over to the proper authority of all monies coming into his hands. Such bond shall be approved by the State Superintendent of Education. A certified copy of the bonds of the City Superintendent of Schools and of the City Treasurer shall be placed on file in the office of the State Department of Education. No public funds shall be paid to the City Treasurer prior to the making and approval of the bonds of the City Superintendent of Schools and City Treasurer and prior to the filing of such bonds in the office of the State Department of Education.

**198. Authority of City Board of Education.**—The City Board of Education is hereby vested with all the powers necessary or proper for the administration and management of the free public schools within such City and adjacent territory to the City which has been annexed as a part of the School District which includes a City having a City Board of Education.



**199. Biennial Census For City.**—The City Board of Education, subject to the provisions of this Code, shall cause to be taken under the direction of the City Superintendent of Schools a biennial school census of the school children in the City between the ages of six and twenty-one years. Such census shall be taken during the month of July of every even numbered year, and the Superintendent of Schools, upon the direction at any time of the State Superintendent of Education, shall cause the whole or any part of the school census in the City to be retaken. The City Superintendent of Schools, shall employ, with the approval of the City Board of Education, a sufficient number of enumerators to take the census during the month of July, or at such other time as the State Superintendent of Education shall cause the whole or any part of the school census in said City to be retaken. The City Board of Education, upon the recommendation of the City Superintendent of Schools, shall fix the compensation of the enumerators employed in taking any school census, and shall order the same paid out of the City Treasury. The report of the enumerators shall be made under oath to the City Superintendent of Schools not later than the 5th day of August next succeeding the time of the taking of such census, and the data gathered shall be in turn transmitted by the City Superintendent of Schools to the County Superintendent of Education not later than the 15th day of August thereafter.

**200. School Property Vested in City Board of Education.**—All property real and personal and mixed now held or hereafter acquired for school purposes shall be held in trust by the City Board of Education for the use of the public schools of the City.

**201. City Board of Education May Acquire Property.**—The City Board of Education shall have the full and exclusive rights within the revenue appropriated for such purposes, or accruing to the use of the public schools, to purchase real estate, furniture, appropriated libraries, fuel and supplies for the use of the schools, and to sell the same, and to make expenditures for the maintenance and repairs of the school grounds, buildings and other property, to establish and build

new schools, to superintend the erection thereof, to purchase sites therefor, to make additions, alterations and repairs to the building and other property erected for school uses, and to make necessary and proper notes, contracts and agreements in relation to such matters. All such contracts shall inure to the benefit of the public schools, and any suit in law or equity brought upon them and for the recovery and protection of money and property belonging to and used by the public schools, or for damages, shall be brought by and in the name of the City.

202. **Kindergartens and Playgrounds.**—The City Board of Education shall have power to establish and maintain a system of public schools including kindergartens and playgrounds for the benefit of children who are bona fide residents of and living within the corporate limits of such City. Such children who are six years of age and less than twenty-one years of age on the date school opens shall be entitled to admission to the elementary, junior and senior high schools. If a kindergarten is established and maintained children from five to eight years of age may be admitted on such terms and conditions as the City Board of Education may prescribe.

203. **Attendance of City Schools By Children Without The City.**—City and County Boards of Education shall have authority to reach agreements whereby children in the City may attend the schools in the County, and whereby the children in the County may attend the schools in the City, and they shall do so when the school in the City or in the County, as the case may be, is nearer to such pupils. In the event the said Boards do not reach agreements for such attendance, the matter shall be referred by either Board to the State Superintendent of Education who shall, after investigation, issue an order relative to same which shall be binding on both Boards. Other non-resident pupils may be admitted on such terms as the Board of Education of the City may prescribe.

204. **Assistants to City Superintendent of Schools.**—The City Board of Education shall, upon the recommendation of

the City Superintendent of Schools, employ such professional, clerical, accounting and statistical assistants as, in the judgment of the Board, are necessary.

**205. Dismissal of Employees By City Board of Education.**—The City Board of Education shall fix the salaries of all employees and may suspend or dismiss any principal or teacher or supervisor or attendance officer or other regular employee so appointed on the written recommendation of the City Superintendent of Schools, for immorality, misconduct in office, incompetency, or wilful neglect of duty, or when, in the opinion of the Board, the best interests of the schools may require.

**206. Control of City Schools.**—The City Board of Education shall exercise through its executive officer, the City Superintendent of Schools, and his professional assistants, control and supervision over the public schools of the City. The Board shall consult and advise, with its executive officer and his professional assistants, principals, teachers, and interested citizens, and shall seek in every way to promote the interests of the schools under its jurisdiction.

**207. Educational Policy of City.**—The City Board of Education shall determine, on the recommendation of the City Superintendent of Schools, and subject to the provisions of this Code, the educational policy of the City, and shall prescribe rules and regulations for the conduct and management of the schools, and shall maintain separate schools for white and colored children.

**208. Acquiring Property For City Schools.**—When lands shall be required for the site of a schoolhouse or for enlarging a schoolhouse lot, or for playgrounds, or other public school purposes, and the Board of Education for any reason shall be unable to contract with the owner or owners thereof upon what they deem to be a fair valuation, the Board of Education may institute condemnation proceedings, but no lot so taken or enlarged shall exceed in the whole ten acres, including the land occupied by the school building.

209. **Bond Issue By City.**—If for any reason the current income of the City Board of Education is inadequate to provide ample, appropriate and suitable grounds, buildings and equipment for all the needed schools of the City, the City Board of Education, on the recommendation of the City Superintendent of Schools shall petition the City Council or Commission to call an election for the issuance of bonds on the credit of the City in an amount sufficient to provide ample, appropriate and suitable grounds, buildings, and equipment for all the needed schools of the City, subject to the limitations set out in the Constitution of the State, and the City Council or Commission shall call the election at the time requested in said petition.

210. **Grading and Standardization of City Schools.**—The City Board of Education, subject to the provisions of this Code, shall grade and standardize all the schools under its jurisdiction, and shall also prescribe courses of study. Printed copies of the courses of study shall be supplied to every teacher and to every interested citizen in said City.

211. **Forms and Blanks for Employees of City Board.**—The City Board of Education, subject to the provisions of this Code, shall prescribe on the recommendation of the City Superintendent of Schools, forms and blanks on which the Superintendent, teachers, supervisors, attendance officers, janitors and other employees shall make such reports as may be required from them.

212. **Budget For City Schools.**—The City Board of Education shall maintain and operate uniform, equal and efficient schools and shall annually prepare on or before the first day of July a school budget which shall show the amounts needed during the succeeding school year. This annual school budget shall also show the estimated amount that will be received from the State, and from the County, and from any local tax levy for schools, the estimated amount of aid that will be received by reason of the Vocational Education Act or other sources, together with the amount needed to supplement the receipts from said sources, and sufficient to meet



the needs of the schools. It shall be the duty of the City Council or Commission to make such an appropriation, as will care for the deficit, from the treasury of the City, if at all practicable to do so.

**213. Loans May Be Secured to Pay Current Expenses.—**

If for any reason the current funds on hand are not sufficient to meet the current expense of the City Board of Education, it may, on the recommendation of the City Superintendent of Schools borrow money to meet salaries of teachers and current expenses, provided that the amount so borrowed shall at no time exceed one-third of the sum used for current expenses during the preceding year, and the sum so borrowed shall be secured by a pledge of the current school revenues of the year.

**214. Reports of City Board to State Board of Education.**

—The City Board of Education shall make all reports required by the State Board of Education at such time, and upon such items and in such form, and on such blanks as may be prescribed by the State Board of Education. The business and financial transactions of the City Board of Education, and the records and accounts of its treasurer shall be kept in a manner approved by the State Superintendent of Education, and shall be audited as early as possible after July the first of each year, and may be published.

**215. Libraries Established and Maintained.**—The City Board of Education shall have the right to establish and maintain, or aid in establishing and maintaining public libraries, either separately or in connection with the public schools, and also special schools for backward, defective, truant or incorrigible children, day or night schools for adult illiterates and for the Americanization of foreigners, and part time continuation classes.

**216. Financial Statement Published Annually.**—The City Board of Education shall publish annually in a newspaper published in said City, if there be a newspaper published in said City, a full and complete itemized statement of the receipts and disbursements of said Board, not later than the

month of October. The City Board of Education shall also cause to be prepared and published annually not later than the month of October, in sufficient quantities for distribution among the interested citizens of the City, an annual report showing the condition, current accomplishments and needs for the improvement of the schools; also a statement of the business transactions of the Board, and the amount expended and for what purpose. Such statement must show the total amount of school funds received by the City and the sources from which derived. The amount expended for teachers' salaries in each school and the amount paid out of the school funds for any other purpose than teachers' salaries must be shown and shall include the name of the person to whom paid, the amount of each of such items and the purpose for which said amounts were expended. The refusal or negligent failure of any member of the City Board of Education to comply with the provisions of this section shall constitute a misdemeanor.

**217. Mobile Not Effected By This Article.**—The provisions of this Code shall not apply to the cities in counties now having by law a City and County school system operated under a single Board of Education, nor to the method of electing the members of the Board of Education in any City where the members of the Board hold office for life. Where by any provisions of law, any certain or definite percentage of the revenue of any City or Town from licenses, or taxes either or both is required to be used for the maintenance of its public schools, then such provisions shall be unaffected by this Code, and shall be and remain in full force and effect.

**218. Incidental Fee in City Schools.**—The City Board of Education shall maintain free elementary schools for all children six years of age and under twenty-one years of age on the date the school opens, but a reasonable incidental fee to be fixed by the City Board of Education may be collected. Such incidental fee shall not operate to exclude from school any pupil between the ages of seven and sixteen years during the compulsory attendance period.

**ARTICLE X.****City Superintendent of Schools.—Sections 219-240.**

**219. Appointment of City Superintendent of Education.**—The City Board of Education may appoint a City Superintendent of Schools to hold office at the pleasure of the Board. The City Superintendent of Schools shall receive such compensation as the City Board of Education shall direct. The City Board of Education may remove the City Superintendent of Schools for incompetency, immorality, misconduct in office, wilful neglect of duty, or when, in the opinion of the Board, the best interests of the schools require it.

**220. Qualifications of City Superintendent.**—No person shall be eligible for appointment as City Superintendent of Schools who does not hold an Alabama certificate in administration and supervision based as a minimum upon graduation from a standard normal school or equivalent education with at least one year of additional study of college grade and proof of three years of successful teaching experience.

**221. Duties of City Superintendent.**—The City Superintendent of Schools shall be the chief executive officer of the City Board of Education, and shall see that the laws relating to the schools, and the rules and regulations of the City Board of Education are carried into effect. The City Superintendent of Schools shall explain the true intent and meaning of the school laws, and if the rules and regulations of the City Board of Education, and of the State Board of Education, subject to the provisions of this Code. He shall decide, without expense to the parties concerned, all controversies and disputes involving the rules and regulations of the City Board of Education, and the proper administration of the public schools. He shall have authority to administer oaths and to examine under oath witnesses in any matter pertaining to the public schools of the City, and to cause the examinations to be reduced to writing.

**222. Establishment and Maintenance of Schools.**—The City Superintendent of Schools, shall recommend for ap-

proval and adoption by the City Board of Education, the kind, grade and location of schools to be established and maintained.

**223. Educational Policy As to City Schools.**—The City Superintendent of Schools, subject to the provisions of this Code, shall recommend for approval and adoption by the City Board of Education policies adapted to promote the educational interests of the City, and rules and regulations for the conduct of the schools.

**224. Nomination of Employees of City Board.**—The City Superintendent of Schools shall nominate all employees of the Board and all persons so nominated for teaching or supervising positions shall hold certificates issued by the State Board of Education.

**225. Building Program for City Schools.**—The City Superintendent of Schools, subject to the regulations from time to time of the City Board of Education and in accordance with the provisions of this Code, shall outline a building program adequate to meet the needs of the schools in the City, and shall submit the same for approval and adoption by the City Board of Education.

**226. School Buildings and Grounds.**—The City Superintendent of Schools shall recommend to the City Board of Education for condemnation school buildings which are insanitary and unfit for use. He shall recommend all repairs, purchase of playgrounds, school grounds, school sites and buildings, or the sale of the same, and shall prepare, or cause to be prepared, all plans and specifications for the remodeling of old buildings, and the construction of new buildings. He shall recommend in his discretion to the Board of Education an architect or architects to assist in the preparation of plans and specifications for remodeling old buildings, for the construction of new buildings, and shall supervise such remodeling and construction. He shall approve in writing all contracts of whatever kind entered into by the City Board of Education.



**227. Grading and Standardizing City Schools.**—The City Superintendent of Schools, subject to the provisions of this Code, shall prepare rules and regulations for grading and standardizing the public schools, and shall recommend the same for approval by the City Board of Education.

**228. Courses of Study For City Schools.**—The City Superintendent of Schools, subject to the provisions of this Code, shall prepare courses of study for the schools of the City, and shall submit the same for approval and adoption by the City Board of Education. Printed copies of the courses of study shall be supplied every teacher and every interested citizen of the City or Town.

**229. Transfer and Suspension of Employees of City Board.**—The City Superintendent of Schools shall nominate in writing for appointment by the City Board of Education, all principals, teachers, supervisors, attendance officers, janitors, and all other regular employees of the Board, and shall assign to them their positions, transfer them as the needs of the schools require, recommend them for promotion, suspend them for cause, and recommend them for dismissal.

**230. Institutes Organized By City Superintendent.**—The City Superintendent of Schools, subject to the provisions of this Code, shall organize institutes for teachers and for citizens. He shall organize and direct the reading circle work, advise teachers as to further study and professional reading, and assist parents and teachers in acquiring knowledge of the aims and work of the schools.

**231. Visitation of City Schools By Superintendent.**—The City Superintendent of Schools shall visit the schools, observe the management and instruction, and give suggestions for the improvement of the same. He shall advise with principals and teachers, and shall endeavor in every way to promote public interest and improve educational conditions.

**232. Forms and Blanks For Reports of Employees of City Board.**—The City Superintendent of Schools, with the approval of the State Superintendent of Education, shall pre-

pare forms and blanks upon which principals, teachers, supervisors, attendance officers, janitors, and other regular employees shall make such reports as shall be required, and shall submit the same for approval to the City Board of Education.

**233. Pay Roll of City Superintendent.**—The City Superintendent of Schools shall, at such times and in such manner as directed by City Board of Education, under the rules and regulations promulgated by the State Superintendent of Education, prepare his pay roll or pay rolls for the payment of teachers, employees, bills and other items authorized by the City Board of Education. No public funds must be paid out by the City Treasurer except on an order signed by the chairman of the City Board of Education, accompanied by a certificate of the City Superintendent of Schools that the pay roll or order is correct, due and unpaid.

**234. Budget For City Schools.**—The City Superintendent of Schools shall prepare the annual school budget and shall submit the same for approval and adoption by the City Board of Education. He shall in every way seek to secure adequate funds for the support and development of the schools.

**235. Biennial Census For City Schools.**—The City Superintendent of Schools shall direct the taking of the biennial census provided for in this Code. He shall cause the census to be retaken in whole or in part when directed to do so by the State Superintendent of Education. The City Superintendent of Schools shall require the enumerators to make their report to him not later than August 5th, following the date of taking the census, and on or before the 15th day of August following, the City Superintendent of Schools shall make his report of such census to the County Superintendent of Education. Where the census of a City is retaken in whole or in part by direction of the State Superintendent of Education, the enumerators shall make their report to the City Superintendent of Schools within such time as directed by the State Superintendent of Education and the City Superin-

tendent of Schools shall make a report to the County Superintendent of Education within twenty-four hours from the time of the report to him by the enumerators. He shall retain a duplicate of the same for the files in his own office.

**236. Employment of Attendance Officers For City Schools.**—The City Superintendent of Schools shall recommend the employment of one or more attendance officers, subject to the rules of the City Board of Education, and shall see to it that the provisions for school attendance is enforced.

**237. Report Required by State Board.**—The City Superintendent of Schools shall prepare, or cause to be prepared, and submit to the City Board of Education for adoption, all reports required by the State Board of Education, and he shall prepare, or cause to be prepared, and submit to the City Board of Education a school report as provided in this Code.

**238. City Superintendent Supervises Employees.**—The City Superintendent of Schools, acting under the rules and regulations of the City Board of Education, shall be responsible for the administration of the office of Superintendent of Schools, and he shall see that all regular appointees of the City Board of Education devote their entire time to their duties.

**239. All Time Employment of Teachers Authorized.**—Nothing shall be construed as preventing a City Board of Education from contracting with teachers and other employees for a longer period of time than that actually devoted to teaching or the conduct of the schools while actually in session. But no teacher or employee shall be entitled to receive any payment from public funds unless his time has been employed as required by the contract of employment and unless all current records for which such teacher or employee is responsible shall have been kept with care and accuracy, and no teacher or employee of the Board shall be entitled to receive any payment from public funds unless all records and reports required by the State Superintendent of Education or City Board of Education shall have been properly made and submitted.

240. **Vacations and Leaves of Absence.**—The City Board of Education shall have the authority, under such rules and regulations as may be promulgated from time to time by the State Board of Education upon the recommendation of the State Superintendent of Education, to provide for the payment from public funds of teachers or other employees of the City Board of Education who are employed by the year for not over two weeks which said teacher or employee may be allowed by said Board as a vacation, but such vacation must not be allowed during the time the schools are in session; and to provide leaves of absence during the time the schools are not in session for such teachers and employees on part or full pay when such teacher or employee devotes such leave of absence to instructing in or attending schools for teacher training or in such other manner as approved by the State Board of Education as beneficial to the educational work of the City; and to provide for the payment of any teachers, whether employed by the year or not, for absences during the time schools are in session where such absence results from sickness or some other unavoidable cause which prevents such teacher from discharging his duties, provided such payment shall not exceed one half of the proportionate part of the salary of such person for the period of absence, and provided further that pay for such absence caused by sickness shall not be allowed for a longer time than four weeks during any one year and pay for such absences resulting from unavoidable causes other than sickness shall not be allowed for a longer time than one week during any one year.

## ARTICLE XI.

### Apportionment and Disbursement of Public School Funds.— Sections 241-252.

241. **Auditor Certifies Amount of School Funds to State Superintendent.**—On the first day of October of each year, or as soon thereafter as practicable, the State Auditor shall certify to the State Superintendent of Education the amount of money which has accrued and been placed by him to the



credit of the public school fund for the fiscal year commencing on that day, stating specifically the amount derived from each source, and any unexpended balance there may be from the appropriation of the previous year to be carried forward; and the amount so certified shall be apportioned by the State Superintendent of Education, and be drawn and disbursed as provided by law.

**242. Apportionment of School Funds to Counties.**—As soon as such certificate is received by the State Superintendent of Education he shall set apart such sums as are provided by law, and he shall then apportion the remainder of such funds, as far as practicable, among the several counties in the State, in proportion to the number of school children of school age therein, according to the latest returns of enumeration of school population of the counties which have been made to his office, but if such enumerations have not been made as provided by law, or have not been reported to him by the County Superintendent of Education, and the State Superintendent of Education, has not caused a new enumeration to be made, he shall then apportion to each County, according to the best information he can obtain of the entire number of children of school age in such counties, but in no event shall he, in case of such failure to enumerate or report all the children of school age in the respective counties, estimate the school population of any County at more than the last official report to his office.

**243. Auditor Advised of Apportionment to Counties.**—As soon as such amounts have been set apart, and such apportionment has been made, the State Superintendent of Education shall certify to the State Auditor the amount set apart for each particular purpose or appropriation, and the total amount of the apportionment to the several counties, and the State Auditor shall see that no warrants are drawn against the educational fund, for any purpose, for any amount in excess of the amounts so certified as set apart and apportioned; and he shall certify to the State Treasurer the amount of the school revenue, exclusive of poll tax, unapportioned by the State Superintendent of Education, and the State Treasurer

shall set apart the amount out of any money received from the taxes of the current year, and he shall keep the same separate and apart from all other revenues, and shall not pay out any of such money except upon warrants for school purposes.

**244. County Board Advised of Apportionment to County.**—As soon as practicable after the State Superintendent of Education has apportioned to the several counties the amount of public school funds in proportion to the number of school children of school age therein, he shall certify and report the amount to the respective county boards of education, taking their receipts for such amounts so certified.

**245. How Apportionment of School Funds Made.**—In making apportionment of school money to the counties, the State Superintendent of Education shall first set apart to the schools of each township the amount due from the State thereto as interest on its sixteenth section fund, or other trust fund held by the State, and all townships having an income from such source, or from the lease or sale of sixteenth section lands, shall not receive anything out of the balance of the public school fund to be apportioned, until the schools of all other townships having no trust fund shall have received from the general fund such amount as will give them an equal per capita apportionment with the schools of the township having such income.

**246. County Boards Apportion School Funds to Schools.**—As soon as practicable, after the State Superintendent of Education has apportioned the school funds to the several counties, and has certified the same to the County Superintendents of Education, the County Boards of Education shall apportion the funds awarded to their respective counties to the several schools and to cities having a City Board of Education in their counties so as to provide, as nearly as practicable, school terms of equal duration, taking into consideration all public school funds.

County Board given wide discretion in apportioning school funds. *State v. County Board of Education* 214 Ala. 620 (108 So. 588).

**247. Record of Receipts and Disbursements Kept By County Board.**—The County Board of Education must keep a record of all receipts and disbursements of school funds of their Counties to the several schools and of each apportionment to cities having a city board of education.

**248. Poll Tax Received By County in Which Paid.**—Each County shall receive as school money all the poll tax collected therein; and the same shall be its full distributive share of the aggregate poll tax collected in this State.

**249. When Apportionment Made By State Superintendent.**—The State Superintendent of Education shall, by the tenth day of October in each year, or as soon thereafter as practicable, apportion to every County the amount of school money such County will be entitled to receive for the fiscal year from all sources except such special taxes, if any, as may have been levied for school purposes in any County; and he shall certify the same to the State Auditor.

**250. Expenditure of Local School Funds.**—All local school monies raised for the support of public schools by taxation or otherwise shall be apportioned and expended in the district or districts or counties in which the same were raised, under such rules and regulations as the County or City Board of Education, as the case may be, may prescribe, but this section shall not be construed to repeal any provision for the apportionment and disbursement of monies mentioned in this Code or provided for in special or local laws, and all funds contributed by persons or otherwise to any school or school district shall be applied as indicated in the grant from such contributors.

**251. Districts Divided By State Or County Line: Funds Of.**—Whenever a township which has an income from a trust fund is divided by a State or County line or otherwise, such income must be divided between and apportioned to each division of such township according to the school population.

**252. Disposition of Unexpended Balances.**—The unexpended balances of any educational fund or appropriations at the end of a fiscal year shall accrue to such educational fund or purpose of the appropriation for the succeeding fiscal year.

## ARTICLE XII.

## One Mill County School Tax.—Sections 253-260.

253. **Calling Election to Levy Tax.**—Upon a petition signed by two hundred or more qualified electors of the County who are also free holders, to the Court of County Commissioners, or court of like jurisdiction in any County within the State of Alabama, the said Court shall order an election to determine whether or not a special tax of one mill shall be levied for the support of the public schools within said County as hereinafter provided.

254. **Election Notice.**—There shall be made publication of the same in some newspaper within the County, which publication shall show the rate of such proposed tax, the time it is proposed to be continued and the purpose for which the levy is proposed to be made.

255. **Officers of Election.**—The inspectors and officers of the election shall be appointed and such elections shall be held and the result of said elections shall be declared in the same manner and by the same officers as is the result of the regular elections for County officers under the general laws of the State.

256. **Electors.**—All persons who are at the time of such election qualified electors in the County where such election is held under the laws and Constitution of Alabama then in existence, shall be qualified electors to participate therein.

257. **Ballot and Election Supplies.**—The Court of County Commissioners, or court of like jurisdiction, shall provide a sufficient number of ballots for each voting precinct within said County, and at the top of each ballot shall be printed the rate of such proposed tax, the time it is to be continued, and that the purpose is for the support of the public schools, and directly underneath in plain type shall be printed on different lines the words, "For proposed taxation," "Against proposed taxation," and a place must be left directly to the left of each line thereof, and the voters favoring the pro-



posed taxation will make a cross mark directly to the left of the line, "For proposed taxation," and the voter not favoring proposed taxation will make a cross mark directly to the left of the line "Against proposed taxation."

**258. Levy and Assessment of Tax.**—If three-fifths of those voting at said election have voted for the proposed taxation, the Court of County Commissioners, or court of like jurisdiction, shall levy said special tax, and cause the tax assessor to assess the same on the taxable property in said County, which shall not exceed ten cents on each one hundred dollars of taxable property in said County; but the rate of such special tax shall not increase the rate of taxation, State and County combined, in any one year, to more than one dollar and twenty-five cents on each one hundred dollars of taxable property in said County, but all special County taxes for public buildings, roads, bridges, and the payment of debts existing at the ratification of the Constitution of 1875 shall not be included in the aforesaid one dollar and twenty-five cents on the hundred dollars of taxable property.

**259. Collection of Tax.**—The tax collector shall collect such special tax in the same manner and under the same requirements and laws as taxes of the State are collected, and shall keep said amount separate and apart from all other funds, and keep a clear and distinct account thereof, and turn the same over to the county treasurer of school funds whose duty it shall be to receipt therefor. The County Board of Education shall apportion the same to the various schools throughout the County in the same manner as the public school funds from the State are apportioned in said County. The school terms of the respective schools shall be extended by such supplement as nearly the same length of time as practicable.

**260. Compensation of Election Officers.**—The election hereinbefore provided for may be had at the time of holding any regular election within the County, and if held at any such time the inspectors and officers of the general election shall conduct at the same time the election herein provided

for; and for such services they shall receive no compensation other than that allowed them for the holding of the general election; but if such an election is had at any other time than that of holding a regular election within the County, then the election officers shall receive the same pay as that for holding a general election.

### ARTICLE XIII.

#### Three Mill County and District School Tax.—Sections 261-293

261. **Calling Election For Levy Three Mill Tax.**—Upon a petition signed by two hundred or more qualified electors of any County to the Court of County Commissioners or other governing body, said Court of County Commissioners or other governing body shall order an election to be held at the time specified in said petition to determine whether or not a special tax shall be levied for public school purposes within said County, and upon request of the County Board of Education to the Court of County Commissioners or other governing body, said Court shall order an election to be held at the time requested by the said Board of Education to determine whether or not a special tax shall be levied for public school purposes within any school district in the County under the control of such Board; and upon the request of any City Board of Education to the Court of County Commissioners or other governing body said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not a special tax shall be levied for public school purposes within said City.

Sufficiency of petition. *Shanks v. Winkler*, 210 Ala. 101 (97 So. 142). Commissioners Court's order must show jurisdictional facts. *Gantt v. Board of County Commissioners*, 210 Ala. 125 (97 So. 129); *Goodwin v. City of Birmingham*, 203 Ala. 274 (82 So. 524). Amendment of minutes of Commissioners Court. *Jackson v. Board of Revenue*, 110 So. 799. Constitutional provision authorizing levy raises maximum theretofore authorized. *Pierson v. Phillips*, 214 Ala. 88 (106 So. 501).

262. **When District Tax Cannot Be Levied.**—No election in any rural or City school district shall be held for the

purpose of levying and collecting a special school tax for school purposes unless the County in which said rural or City district is located shall be levying and collecting special County taxes for school purposes of not less than thirty cents on each one hundred dollars worth of taxable property in such County.

**263. Election Notice.**—The Sheriff must give notice at least thirty days before any election to be held under this article, by publication in some newspaper in the County, if any is published therein, and if not, by writing posted at the courthouse door, and at three other public places in the County of the time of holding, and when any election is to be held for a special tax for school purposes in any rural or City school district, written notices shall be posted in three public places within said district thirty days prior to said election. Said publications, both for special County and district elections for school purposes, shall show the rate of such proposed tax, the time it is proposed to be continued, the purpose for which the levy is proposed to be made, and a description of the boundaries of the proposed district.

Necessity of notice of election. *Shanks v. Winkler*, 210 Ala. 101, (97 So. 142).

**264. Officers of Election.**—The inspectors and officers of the special County election shall be appointed, and said election shall be held and the results of such election shall be declared in the same manner and by the same officers as the results of the regular election for County officers, under the general election laws of the State, provided that the election may be held at the time for holding any regular election in the County, and if held at such time the inspectors and officers of the general election shall conduct at the same time the election herein provided for and for such services they shall receive no compensation other than that allowed them for the holding of the general election and if the election is held at some other time than that of holding the regular election in the County then the election officers shall receive the same pay as that for holding the general election.

265. **Request for Election.**—Upon the written request of the County Board of Education or of the Board of Education of any City having a City Board of Education for a special election in any school district under the control of the respective Board, the Court of County Commissioners or other governing body shall call an election at the time and for the rural or City districts as requested by the respective Board of Education and shall appoint three managers and one returning officer for each voting place in the school district or at such special voting places as may be designated for the special election by the Judge of Probate of the County who shall locate such voting places, upon the recommendation of the County Board of Education, and such special voting places shall be set out in the notices of the special election.

266. **Electors.**—All persons who are at the time of such election qualified electors of the County and reside within the school district where such election is held shall be qualified to participate in such election, and persons not being so qualified and participate in such election shall be guilty of a misdemeanor and upon conviction shall be fined not over five hundred dollars.

267. **Conduct of Election.**—The managers and returning officers, provided for above, shall conduct and make return of such election in the rural or City school district, and in the event such election officers fail to appear at the polling place to which they are appointed, the officer or officers who do appear shall appoint some one to take their places. All election officers shall be residents of the special tax district, and qualified electors of the beat or precinct in which they reside. The Sheriff shall notify all officers of their appointment by the Court of County Commissioners or other governing body. The managers of such election shall open the polls at eight o'clock A. M. and close the same at five o'clock P. M. on the date of election, and immediately upon closing the polls shall ascertain the results of the election at their respective voting place, and make returns of the same to the Court of County Commissioners or other governing body of the County and deliver the ballot box containing



the returns, with the poll lists, tally sheets and other necessary papers, to the returning officers of such voting places, who shall deliver the same to the Court of County Commissioners or other governing body on or before noon of the second day of the said election. The Court of County Commissioners or other governing body shall, within four days after said election canvass the returns so made, and under oath make a written report declaring the result of said election in said school district, showing the number of votes cast, both for and against the proposed taxation. A copy of such report shall be printed in some newspaper published in the County, and the original shall be filed in the office of the Probate Judge. Except as otherwise provided herein said election shall be held under the general laws of the State.

**268. Contest of Elections.**—Any and all elections held for the purpose of determining whether a tax shall be levied in the County or in a school district of the County for public school purposes or determining whether or not school districts should be consolidated, or whether or not a school district should be enlarged by consolidating therewith territory adjacent to such district, may be contested on the same grounds, and in the same manner as is provided by general law for the contest of elections of County officers, and all laws governing the grounds, conduct and determination of contests of election of County offices shall govern contest authorized by this section.

**269. Expenses of Election.**—The officers, including the sheriff, shall perform the same duties, and receive the same pay as provided for under the general election laws aforesaid, and all costs and fees of said election shall be paid out of the County treasury.

**270. District Boundaries Fixed By County Board.**—In order to make it possible to work out a system of local tax units adapted to the needs of the whole County, the County Board of Education of its own initiative shall fix the boundaries of any school district within its jurisdiction in which it is proposed to levy a local school tax. In making appli-

cation for a special election in any such district, the County Board of Education shall submit a map made by the County Surveyor, or other competent person, showing the boundaries of the school district for which a special tax levy is proposed, indicating the section or sections and ranges, together with the correct description of the boundaries of the said district for which a special tax levy is proposed. These maps shall also show the location of public utilities, such as power plants, railroad and telegraph lines, if any, in such districts, and the railroad mileage for each and every corporation having property therein. The County Superintendent shall include a full and correct description of such boundaries in the minutes of the County Board of Education, and shall also furnish a full and correct description of such boundaries, including a map, to the Probate Judge, who shall record the same in a book to be kept by him for that purpose also to the State Department of Education and to the State Board of Equalization, or other board exercising corresponding powers, including as many copies of such map as there are public utilities.

Legislature cannot now create School Districts by local law. *Kyle v. Wiggins*, 212 Ala. 116 (102 So. 145). District created by special act prior to Constitution 1901 remains School District. *Blackman v. Dowling*, 18 Ala. App. 229, (89 So. 829). Power of Board to alter boundaries of old Districts. *Shanks v. Winkler*, 210 Ala. 101 (97 So. 142). Not authorized to place parts of territory of Municipality to different Districts. *State v. Masters*, 207 Ala. 324 (93 So. 14).

**271. Confirmation of Election.**—The tax levy in any district already voted is hereby confirmed.

Effect of curative statute. *Wall-Hay-Wall Lbr. Co. v. Matthews*, (100 So. 824).

**272. Map of Tax District.**—The County Board of Education shall have a proper map of such district made and recorded as herein provided. The levy of the district school tax shall operate to fix the boundaries of such district for the time of such special levy, except as hereinafter provided.

**273. Map Not Required of City District.**—Any City having a City Board of Education shall constitute an independent school district for the purpose of levying the tax authorized under this article, but it shall not be necessary

for the City Board of Education when making application or request for a special election under the provisions of this article to submit the map or the description of boundaries.

**274. Confirmation of Election in City Districts.**—Any tax levy already voted in any City of two thousand or more inhabitants according to the last or any succeeding Federal census, and any election heretofore called in any such City in making application or request for which such map or description of boundaries were not submitted, are hereby confirmed.

**275. Consolidation of Districts or Territory.**—When it shall seem desirable to enlarge any special tax district by consolidating with it any adjacent territory or district, which may or may not be levying any special school tax, County Board of Education may petition the Court of County Commissioners or other governing body to call an election in all of the districts concerned, including the special tax district proposed to be enlarged to determine whether a special tax for a uniform rate and time shall be voted in each and every one of the districts. The proposed rate and time shall not be less than the maximum rate in any district or the maximum time in any district.

**276. Consolidation of City District With Other Territory.**—When it shall seem desirable to consolidate with a City school district having a City Board of Education, either a County school district, or territory adjacent to such City school district, which does not lie within the corporate limits of the City, so as to vest the control of educational matters of such proposed consolidated district in said City Board of Education, the County Board of Education and City Board of Education shall agree upon the terms of consolidation and concurrently request the Court of County Commissioners, or other governing body of the County, to call an election in all the territory proposed to be consolidated to determine whether such school district or territory adjacent to said City school district should be consolidated with the City district and the educational affairs of all the territory pro-

posed to be consolidated placed under the control of the City Board of Education of such City, and whether or not a special tax for a uniform rate and time shall be voted for such proposed district. In the event of such consolidation, the rate and time of the three mill district tax, if levied, shall be for such time as prescribed in the agreement between the boards, provided the rate and time shall not be less than the maximum rate and the maximum time of any district or territory included in said consolidation.

**277. Effect of Consolidation.**—Thereupon the said Board of County Commissioners or other governing body shall call an election in like manner as already prescribed for calling an election in a school district in the special districts or district and adjacent territory proposed to be consolidated, and if a majority of the qualified electors in each and all of the districts or district and adjacent territory proposed to be consolidated shall vote favorably, the districts or district and adjacent territory shall be consolidated into a new district, and the tax as voted shall be levied and collected in the new district as a unit, but the creation of a new district shall not operate to relieve the County Board of Education of responsibility and liability for the just obligations made prior to such consolidation. In the event a majority of the qualified voters in any of the districts or district and adjacent territory proposed to be consolidated shall vote against the proposed consolidation, then said consolidation shall not be made and each district shall remain as before, and with the same taxing privileges.

**278. Election Supplies.**—When any election is to be held in any County or in any rural or City school district, under the provisions of this article, the Court of County Commissioners or other governing body shall provide the necessary number of ballots, poll lists, tally sheets, ballot boxes, booths, instructions for holding the election, and all other necessary and proper stationery for holding said election; and the Sheriff shall see that the same are delivered to the managers before the day of the election.



279. **Ballots.**—The ballots used in said election shall have printed at the top the purpose of such election, and if a tax is proposed to be levied, there shall be printed at the top the rate of such proposed tax, the time such tax is proposed to be continued and that it is to be used for public school purposes, and where the election is only for a proposed tax levy, directly underneath such statement at the top of the ballot in plain type shall be printed on different lines the words, "For proposed taxation," "Against proposed taxation;" and where the election is for consolidation of school district or a school district and adjacent territory and proposed taxation, there shall be so printed the words, "For proposed consolidation and taxation," "Against proposed consolidation and taxation." A blank must be left directly to the left of each line so that the voter may indicate his choice by a cross mark directly to the left and in front of the line expressing his choice.

Sufficiency of ballot. *Dent v. City of Eufaula*, 199 Ala. 280 (74 So. 366).

280. **Election Result.**—The Court of County Commissioners or other governing Board of the County shall declare the result of the election, and where the electors have voted so as to require the levy of a tax, the Court of County Commissioners or other governing body of the County shall levy said special tax and cause the tax assessor to assess the same on the taxable property in said County, or in said rural or City school district, as the case may be, which shall not exceed thirty cents on each one hundred dollars worth of taxable property in said County or in said rural or City school district, as the case may be. Any special tax levied hereunder shall not be for a shorter term than two years. And in all elections hereafter held if the specific purposes for which said tax, when levied, shall be used is printed on the ballots to be used in said election, it shall be unlawful for the County Board of Education to apply it to any other purpose.

281. **Warrants Sold and Tax Pledged for Payment.**—In any County which has levied or is levying a special County tax for school purposes, the County Board of Education,

in order to erect, repair, enlarge or equip school buildings, or to make other improvements in the school facilities of the County, or to raise money for any of such purposes, may issue and sell school warrants bearing interest at a rate not to exceed six per centum per annum for an amount, including interest, not exceeding the income from said tax levy, estimating such income upon the basis of the assessed value of the taxable property in such County for the preceding tax years, as the annual return for such levy for the period for which such warrants are issued. The Board of Education of any County or of any City having a City Board of Education, in order to erect, repair, enlarge or equip school buildings or to make improvements in the school facilities of any school district under its control in which a district school tax has been or is being levied, or to raise money for any of such purposes, may issue school warrants bearing interest at a rate not to exceed six per centum per annum for an amount, including interest, not to exceed the income from such tax levy, estimating such income upon the basis of the assessed value of the taxable property in such City or school district for the preceding tax year, as the annual return from such levy for the period for which such warrants are issued.

**282. Due Date of Warrants.**—The due date of said school warrants shall not extend beyond the 30th day of September next after the time when the tax for the last year of said levy shall become delinquent.

**283. Warrants Preferred Claim Against Tax Proceeds.**—All warrants issued by the County Board of Education shall be signed in the name of such Board by its president, and shall be a preferred claim upon the proceeds of the tax levy in such County and shall be a preferred claim upon the proceeds of the tax levy in the County and in the school district when issued for benefit of such school district, each year during the period for which such warrants are issued to the extent of the warrants during such year. The Board of Education shall set aside a sufficient amount of said tax income to pay said warrants.

**284. Tax Proceeds Subject to Payment of Warrants.—**

Where the warrants are issued for the benefit of a school district that fact must be stated in the resolution authorizing the issue and in the warrant itself, and the County Board of Education may by resolution entered on its minutes set apart for each year so much of the district tax income as will be necessary to meet all such warrants maturing during each year such warrants are issued to run, which will require the application of said district tax fund to the payment of said warrants prior to the use of any County fund for such purpose. However, in the event the district tax income is at any time insufficient to promptly and fully pay the district warrants the County Board of Education shall set apart sufficient funds from the County tax income, which with the district tax income, will be sufficient to promptly and fully pay such warrants.

**285. Warrants Issued By City Board.—**All warrants of a City Board of Education shall be signed in the name of such Board by its president and shall be a preferred claim upon the proceeds of the tax levy in the district under the supervision for control of the City Board of Education each year during the period for which such warrants are issued to the extent of the warrants and interest thereon. The City Board of Education shall, by resolution, set aside sufficient funds to pay said warrants.

**286. Trust Fund For Payment of Warrants.—**Funds set aside or necessary to pay warrants or interest thereon shall not be used for any other purpose and any person or officer diverting or causing the diversion of such fund to any other purpose shall be personally liable in the amount of such diversion, and the bond of such person, if bonded, shall also be responsible in such amount together with the expenses of recovering the same.

**287. Collection of Tax.—**Whenever such a levy as is provided for in this article is made, it shall be the duty of the tax collector within and for that County to collect such tax in the same manner and under the same requirements and

laws as the taxes of the State are collected, and he shall keep said amount separate and apart from all other funds, and keep a clear and distinct account thereof, showing what amount is paid, and turn the same over to the County Treasurer of school funds whose duty it shall be to receipt therefor, and pay the same on monthly pay rolls and other prescribed forms, with the authority and approval of the County Board of Education.

When collection of tax not enjoined. *Wall-Hay-Wall Lbr. Co. v. Matthews*, 100 So. 824; *Alfred v. Dunn*, 207 Ala. 469 (93 So. 390). When collection enjoined. *Shanks v. Winkler*, 210 Ala. 101, (97 So. 142).

**288. Tax Collector Reports to State Superintendent.—**

Whenever the tax collector makes his semi-monthly report to the State Auditor, he shall, at the same time, make a report to the State Superintendent of Education and the County Superintendent of Education showing the amount of all school taxes of the County or school districts collected by him not theretofore collected. Such report shall be countersigned by the County Treasurer of school funds to whom such funds are paid.

**289. Use of District Funds.—**The funds arising from levying the special tax for school purposes in any school district under the jurisdiction of the County Board of Education shall be used for the exclusive benefit of the public schools of such district; and in the case of cities and towns under independent boards said County Tax Collector shall collect said taxes and pay over the same to the Treasurer of said City or Town to be used for the exclusive benefit of the schools thereof in accordance with the law.

**290. Change of Municipality From County to City Board.—**In the event an incorporated City or Town located in a special school tax district composing said town and territory contiguous thereto should attain a population making it a City as the word City is defined in this Code, then the government and control of the schools of said City shall be under the City Board of Education, and the government and control of the schools in the contiguous territory outside of the City shall continue under the County Board of Educa-



tion. The tax collected in the City shall be paid over to the City Treasurer as provided by law for the exclusive use of the schools of said City and the tax collected in the contiguous territory shall be paid over to the County Treasurer of school funds for the benefit of the schools in such contiguous territory. In the event the special school tax proceeds have been pledged for the retirement of interest bearing warrants, so much of the tax collected in the original special school tax district as may be required for the retirement of such outstanding warrants, including the interest thereon, shall be paid over to the proper officer to be used for the retirement of such outstanding warrants.

**291. Electors.**—Where the election is for the entire County all persons who are at the time of such election qualified electors of the County, or where the election is held for a district all persons who at the time of such district election are qualified electors of the district and reside in such district shall be qualified electors to participate therein. Any person who participates in any such election or any person who votes in any such election without being so qualified shall upon conviction be fined not over five hundred dollars.

**292. Confirmation of Elections.**—All elections, whether in school districts or in counties, which have heretofore been held for the purpose of levying a special tax for school purposes, which said elections resulted in a majority of the votes cast being in favor of the special tax for school purposes, and which said elections were irregular by reason of failure to give notice thereof in any newspaper, or by reason of any other irregularity prior to the actual holding of the elections, are ratified and confirmed and given effect in all respects as if all the conditions, preliminary and prior to the actual holding of such elections, required by the aforesaid act has been duly and legally complied with. The provisions of this section shall not apply to districts in which said three mill tax election has been held and declared illegal by the Board of County Commissioners in said County in which said election was held prior to the approval of this law.

## ARTICLE XIV

## Local Tax Bonus Fund.—Sections 293-294.

293. **Bonus Fund.**—The State Superintendent of Education shall certify to the State Auditor on the first day of October of each year the several counties of the State that are levying and collecting for that year a special tax for school purposes aggregating one, two, three mills or four mills, respectively, and the State Auditor, upon the request of the State Superintendent of Education, shall draw his warrant for one thousand dollars upon the State Treasurer, in favor of the County Treasurer of school funds of any County levying and collecting a special tax for school purposes of one mill and less than two mills; for two thousand dollars, in favor of the County Treasurer of school funds of any County that may be levying and collecting for that year special county school taxes aggregating two mills and less than three mills; and for three thousand dollars, in favor of the County Treasurer of school funds of any County in the State that may be levying and collecting for that year special County school taxes aggregating not less than three mills; and for four thousand dollars, in favor of the County Treasurer of school funds of any County in the State that may be levying and collecting for that year special County school taxes aggregating not less than four mills. Each County shall receive the warrant representing the highest of the above amounts to which it is entitled, and no other.

294. **Bonus Fund Expended By County Board.**—The funds so set apart for any County shall be expended by the County Board of Education as, in the opinion of the said County Board, will best promote the cause of education in said County, and there is hereby appropriated annually out of any funds in the State Treasury not otherwise appropriated such sum as may be necessary for each and every year to give all counties qualifying the amount to which said counties may be entitled under the provisions of this Article.

**ARTICLE XV.****The County Treasurer of School Funds.—Sections 295-300.****295. Selection of County Treasurer of School Funds.—**

The County Treasurer of School Funds shall be selected by the County Board of Education. He shall receive and take charge of all funds or proceeds of any character which may accrue to the County for public school purposes, including funds for County high schools.

**296. Requisitions State Auditor For School Funds.—**

On receipt of the certificate of the County Superintendent of Education setting out the amounts required to meet the pay rolls, the County Treasurer of school funds shall make requisition on the State Auditor for the amount certified by the County Superintendent of Education to be necessary to make such pay rolls, after deducting from the amount so certified the balance in his hands for such purposes. This requisition shall be mailed to the State Superintendent of Education for approval and transmission to the State Auditor.

**297. Pay Rolls Paid by County Treasurer.—**The County Treasurer of school funds shall pay promptly upon receipt all pay rolls filed by the County Superintendent of Education and which are certified by the County Superintendent to be correct, due and unpaid and which are approved by the chairman of the County Board of Education.

**298. Bond Required of County Treasurer of School Funds.—**The County Treasurer of school funds shall give a surety bond in such sum as prescribed by the State Superintendent of Education and such bond shall be approved by the State Superintendent of Education. Said bond shall be made in some reputable surety company authorized to do business in Alabama and shall be made at the expense of the County Treasurer of school funds.

**299. Vouchers Required.—**The County Treasurer of school funds shall keep proper vouchers for all monies paid

out and shall make such reports as may be called for by the State and County Boards of Education.,

**300. Removal of County Treasurer of School Funds.—**The County Treasurer of school funds may be removed by the County Board of Education when, in the opinion of the said County Board, the best interests of the schools may require.

## ARTICLE XVI.

### School Attendance.—Sections 301-338.

**301. Ages of Children Required to Attend School.—**Every child between the ages of seven and sixteen years shall be required to attend a public school, private school, denominational school, parochial school, or be instructed by a competent private tutor, for the entire length of the school term in every scholastic year.

**302. Definition of Terms Used in Article.—**The terms private school, denominational school, and parochial school, as used in the preceding section shall mean and only include such schools as hold a certificate issued by the State Superintendent of Education, showing that such school conforms to the following requirements; namely, (a) the instruction in such schools shall be by persons holding a certificate issued by the State Superintendent of Education; (b) instruction shall be offered in the several branches of study required to be taught in the public schools of this State; (c) the English Language shall be used in giving instruction; (d) a register of attendance shall be kept which clearly indicates every absence of each child from such school for a half day or more during each school day of the school year.

**303. Private Tutor.—**Instruction by a private tutor means and includes only instruction by a person who holds a certificate issued by the State Superintendent of Education and who offers instruction in the several branches of study required to be taught in the public schools of this State, for



at least three hours a day for one hundred and forty days each calendar year, between the hours of eight o'clock, A. M., and four o'clock, P. M., and who uses the English Language in giving instruction. Such private tutor shall, prior to beginning the instruction of any child, file with the County Superintendent of Education, where his place of instruction is in territory under the control and supervision of the County Board of Education, or the City Superintendent of Schools, where his place of instruction is in territory under the control and supervision of a City Board of Education, a statement showing the child or children to be instructed, the subjects to be taught and the period of time such instruction is proposed to be given. Such tutor shall keep a register of work, showing daily the hours used for instruction and the presence or absence of any child being instructed, and shall make such reports as the State Board of Education may require.

#### 304. **Children Exempt From Attending Public School.**

—The following children, when issued a certificate of exemption by the County Superintendent of Education where he resides in territory under the control and supervision of the County Board of Education, or the City Superintendent of Schools, where he resides in territory under the control and supervision of a City Board of Education, shall not be required to attend school, or to be instructed by a private tutor; namely, (a) a child whose physical or mental condition is such as to prevent or render inadvisable attendance at school or application to study. Before issuing such certificate of exemption, the Superintendent shall require a certificate from the County Health Officer in counties which have a health unit, and from a regularly licensed, practicing physician in counties which do not have a health unit, that such child is physically or mentally incapacitated for school work; (b) a child fourteen years of age and upward, who has completed the course of study of the public schools of the State through the eighth grade as now constituted; (c) where because of the distance a child resides from school and the lack of public transportation such child would be compelled to walk over two and a half miles to attend a public school; (d) where the

child is legally and regularly employed under the provisions of the law relating to child labor, and who holds a permit to work granted under the terms of said Child Labor Law.

**305. Person Loco Parentis Responsible For Child's Attendance.**—Each parent, guardian, or other person having control or charge of any child required to attend school or be regularly instructed by a private tutor, who fails to have such child enrolled in school or who fails to send such child to school or have him instructed by a private tutor during the time such child is required to attend a public school, private school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require such child to regularly attend such school or tutor, or fails to compel such child to properly conduct himself as a pupil, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred (\$100.00) dollars, and may also be sentenced to hard labor for the County for not more than ninety (90) days. The absence of a child without the consent of the principal teacher of the school he attends or should attend, or the tutor who instructs or should instruct such child shall be prima facie evidence of the violation of this section.

**306. Burden of Proof On Person Loco Parentis.**—No parent, guardian or other person having control or charge of any child shall be convicted for failure to have said child enrolled in school or for failure to send a child to school or for failure to require such child to regularly attend such school or tutor, or for failure to compel such child to properly conduct himself as a pupil, if such parent, guardian, or other person having control or charge of such child can establish to the reasonable satisfaction of the court the following: namely, (a) that the principal teacher in charge of said school which he attends or should attend or the tutor who instructs or should instruct said child gave permission for the child to be absent; or (b) that such parent, guardian or other person is unable to provide necessary books and clothes in order that the child may attend school in compliance with law, and that such parent, guardian or other person had prior

to the opening of the school, or immediately after the beginning of such dependency, reported such dependent condition to the Juvenile Court of the County and offered to turn the children over to the State Child Welfare Department as a dependent child; or (c) that such parent, guardian or other person has made a bona fide effort to control such child and is unable to do so, and files in Court a written statement that he is unable to control such child; or (d) that there exists a good cause or valid excuse for such absence; or (e) that such parent, guardian or other person has made a bona fide, diligent effort to secure the regular attendance of such child and that the absence was without his knowledge, connivance or consent. A good cause or valid excuse, as used in this section, exists when on account of sickness or other condition attendance was impossible or entirely inadvisable or impracticable, or when, by virtue of the extraordinary circumstances the absence is generally recognized as excusable.

**307. Habitual Truant.**—In case any child becomes an habitual truant, or because of irregular attendance or misconduct has become a menace to the best interest of the school which he is attending or should attend, and the parent, guardian or other person files a written statement in Court as provided in the preceding section, stating that he is unable to control such child, the attendance officer must file a complaint before the Judge of the Juvenile Court of the County, alleging the facts, whereupon such child must be proceeded against in the Juvenile Court for the purpose of ascertaining whether such child is a dependent, neglected or delinquent child.

**308. Absence Must Be Explained.**—Every parent, guardian or other person having control or charge of any child required to attend public school, private school, denominational school or parochial school, shall as soon as practical explain the cause of any absence of the child under his control or charge which was without permission of the teacher and a failure to furnish such explanation shall be admissible as evidence of such child being a truant with the consent and connivance of the person in control or charge of said child,

unless such person can show to the reasonable satisfaction of the Court that he had no knowledge of such absence and that he had been diligent in his efforts to secure the attendance of such child.

309. **Report of Enrollment.**—At the end of the fifth day from the opening of the public school, the principal teacher of each public school, private school, denominational school, parochial school, and each private tutor, shall report on forms prescribed by the State Superintendent of Education to the County Superintendent of Education, in the event the school is operated in territory under the control and supervision of the County Board of Education, or to the City Superintendent of Schools, in the event the school is operated in territory under the control and supervision of a City Board of Education, the names and addresses of all children between the ages of seven and sixteen years who have enrolled in such schools, and thereafter, throughout the compulsory attendance period, the principal teacher of each school and private tutor shall report at least weekly the names and addresses of all children between the ages of seven and sixteen years who enroll in said school, or who having enrolled, were absent without being excused, or whose absence was not satisfactorily explained by the parent, guardian, or other person having control of the child.

310. **Reports Required Must Be Furnished.**—All school officers, including those in private schools, denominational schools, parochial schools, or private tutor, in this State, offering instruction to pupils within the compulsory attendance ages, shall make and furnish all reports that may be required by the State Superintendent of Education, and by the County Superintendent of Education or by the Board of Education of any City with reference to the workings of this article. The principal teacher of each public school, private school, denominational school, parochial school, and each private tutor, shall keep an attendance register showing the enrollment of the school and every absence of each enrolled child from school for a half day or more during each school day of the year.



**311. County and City Superintendents Must Make Lists.**—In order that the provisions of this article may more definitely be enforced, the County Superintendent of Education and the City Superintendent of Schools shall, before the opening of the public schools, make a list for each school under his control or supervision of all children between the ages of seven and sixteen years who should attend such school or schools under his charge or control. Such list must give the name, date of birth, age, sex, race, and the name and address of the parent, guardian, or other person in parental relationship. In case of pupils living in cities, the street and house number shall be given, and in case of all other pupils, the estimated distance from the schoolhouse by the nearest traveled road shall be given.

**312. How Lists Prepared.**—The information required under the preceding section shall be prepared by the County Superintendent of Education with the assistance of the attendance officers, for the even numbered years, from the census booklets on file in his office. In the odd numbered years, the lists shall be prepared by the County Superintendent of Education with the assistance of the attendance officers, by correcting and supplementing the lists prepared and furnished the preceding year. To this end the County Superintendent of Education shall make use of the information contained in teachers' registers, and such additional information as he may require from school trustees. In the case of the City Superintendents of Schools, the list shall be prepared for the even numbered years from the duplicate census booklets in his possession. In the odd numbered years he shall prepare it, making use of the information contained in teachers' registers, and such additional information as he may require from the attendance officers.

**313. Enrollment Report and Superintendent's List Compared.**—The County Superintendent of Education or the City Superintendent of Schools, as the case may be, shall upon the receipt of the report from teachers and private tutors showing the enrollment of children between the ages of seven and sixteen years, compare and study reports with the list which

has been compiled of the children who should attend each school, and ascertain what child or children required to attend school are not enrolled.

**314. Cases of Non-Enrollment and Non-Attendance.—**

It shall be the duty of the County Superintendent of Education or the City Superintendent of Schools, as the case may be, to require the attendance officer to investigate all cases of non-enrollment and of non-attendance. In all cases investigated where no valid reason for non-enrollment or non-attendance is found, the attendance officer shall give written notice to the parent, guardian, or other person having control of the child, and in the event of the absence of the parent, guardian or other person having control of the child, from his or her usual place of residence, the attendance officer shall leave a copy of the notice with some person over twelve years of age residing at the usual place of residence, with instructions to hand such notice to such parent, guardian, or other person having control of such child, which notice shall require the attendance of said child at the school within three days from date of said notice. In the event the investigation discloses that the non-enrollment or non-attendance was without valid excuse or good reason, and intentional, the attendance officer shall be required to bring criminal prosecution against the parent, guardian, or other person having control of the child.

**315. When Child May Be Taken Into Custody.—**It shall be the duty of the attendance officer, probation officer, or other officer authorized to execute writs of arrest, to take into custody without warrant any child required to attend school or be instructed by a private tutor who is found away from home and not in the custody of the person having charge or control of such child during school hours and who has been reported by any person authorized to begin proceedings or prosecutions under the provisions of this article as a truant. Such child shall forthwith be delivered to the person having charge or control of said child or to the principal teacher of the school or the private tutor from whom said child is a truant. If such child is an habitual truant, he

shall be brought before the Juvenile Court for such disposition as the Judge of said Court finds proper from the facts.

**316. Record Kept By Attendance Officer.**—The attendance officer whose appointment is by this article provided for, shall keep an accurate record of all notices served, all cases prosecuted and all other services performed, and shall make an annual report of the same to the County Board of Education or to the City Board of Education by whom he is employed.

**317. Attendance Districts.**—The County Board of Education shall arrange the County, exclusive of cities, into one or more attendance districts, and said Board shall appoint an attendance officer for every district created, who shall hold his office at the will of the County Board of Education, and the Board of Education of each City having a City Board of Education shall appoint one or more attendance officers to serve at the pleasure of the appointing board. City and County Boards of Education, Boards of Revenue and Courts of County Commissioners may jointly employ any person or persons to carry out the provisions of this article and such additional duties as may be assigned them by such boards or governing bodies.

**318. Compensation of Attendance Officers.**—The attendance officers who are employed by the County or City Board of Education shall be paid by the respective boards of education such salaries as may be required to secure efficient service. Said attendance officer shall be paid as other employees of the County or City Boards of Education are paid, but no attendance officer shall receive any compensation under the provisions of this Code until he shall have filed such reports as are required by the State Board of Education, and by the Board of Education of the County or City employing him.

**319. Scholastic Day, Week, and Year.**—In all public schools conducted under this Code, twenty days, with five days each week, shall constitute a school month, and a school day shall not be less than six hours of actual teaching, ex-

clusive of all recess or intermission periods, unless otherwise ordered by the County or City Board of Education concerned. The scholastic year shall begin with the first day of July and end with the thirtieth day of June of each year. So far as not prevented by the constitution, any educational fund becoming available at any time during said scholastic year may be used to pay any obligation incurred during said scholastic year, whether said fund became available during the same fiscal year as the obligation was incurred or not, provided such fund must be devoted to the particular purposes for which appropriated or made available. Fiscal year, as used in this section, refers to the fiscal year as defined in Section 822 of the Code of Alabama of 1923.

**320. Juvenile Court Jurisdiction.**—The Juvenile Court of the County shall have original and exclusive jurisdiction of all prosecution or proceedings arising under the provisions of this article against or concerning any parent, guardian, or other person having charge or control of a child, or against or concerning any child or other person for the purpose of enforcing the provisions of this article and effecting its objects, and all provisions of Article I of Chapter 100 of the Code of Alabama of 1923, which Article I consists of Sections 3528 to 3559, both inclusive, of said Code, shall apply to prosecutions or proceedings arising under the provision and terms of this article.

**321. Purposes of Article.**—The purposes of this article are to secure the prompt and regular attendance of pupils and to secure their proper conduct, and to hold the parent, guardian, or other person in charge or control of a child responsible and liable for such child's non-attendance and improper conduct as a pupil, and to effect these purposes the article shall be liberally construed and the courts and those charged with the enforcement of its provisions are vested with a wide discretion in its administration.

**322. State Board May Promulgate Rules and Regulations.**—The State Board of Education, upon the recommendation of the State Superintendent of Education, shall have



the power to promulgate rules and regulations which it deems necessary or conducive to effecting the purposes and objects of this article. Such rules and regulations shall have the full force and effect of a law and any person violating the same shall, upon conviction, be fined not more than one hundred dollars and may in addition to such fine be sentenced to hard labor for the County for not over ninety days.

**323. When Rule and Regulation Effective.**—No rule or regulation promulgated by the State Board of Education by virtue of the provisions of the preceding section shall become effective until thirty days after its promulgation. It shall be the duty of the State Superintendent of Education promptly after such promulgation to mail to every County Superintendent of Education and every City Superintendent of Schools a sufficient number of copies of such rules and regulations for such Superintendents to furnish copies to the members of their Board of Education and to the trustees and principal teacher of each school under his control and supervision. It shall be the duty of such superintendents forthwith upon the receipt of such copies to distribute said copies by mail or personal delivery to the persons for whom such copies were furnished, and it shall be the duty of such superintendents to give such other publicity as practical to put the general public on notice of such rules and regulations.

**324. Prosecutions.**—No prosecution or proceeding under this article shall be begun except by one of the following parties; namely, (a) the County Superintendent of Education or City Superintendent of Schools where the matter affects a school or private tutor in territory under his supervision; or (b) an attendance officer; or (c) the principal teacher of the school which the child attends or should attend; or (d) the private tutor by whom the child is instructed or should be instructed; or (e) the probation officer of the County; or (f) a duly authorized agent of the State Superintendent of Education or the Child Welfare Department.

**325. Attendance Register Evidence.**—The registry of attendance of pupils kept by any public school, private school,

denominational school, parochial school or private tutor in compliance with the provisions of law or any rule and regulation promulgated by the State Board of Education shall be admissible as evidence of the existence or non-existence of the facts it is required to show. A copy of any rule and regulation of the State Board of Education, duly certified as true and correct by the State Superintendent of Education, shall be admissible as evidence of the provisions of such rule and regulation, and the statement in the certificate of the State Superintendent of Education of the date of the promulgation, shall be admissible as evidence that such rule and regulation was duly promulgated on the day and date named.

**326. Issue of Employment and Age Certificates.**—The Superintendent, or if there be no Superintendent, the Principal of schools in towns or cities shall issue employment and age certificates, or authorize in writing a person acting in his name to issue such certificates; but no person employed by a person, firm or corporation employing children, other than a teacher in a school, shall be authorized to issue employment certificates. When there is no superintendent or principal of schools, employment certificates shall be issued by the County Superintendent of Education or by a person authorized by him in writing. Employment and age certificates shall be issued in duplicate, and a copy of each certificate issued during the month preceding shall be transmitted to the State Child Labor Inspector, together with the report as hereinafter provided for.

**327. Employment Certificate: When Not Issued.**—The person authorized to issue employment certificates shall not issue such certificate unless the child accompanied by his parent or guardian or person standing in parental relation thereto, has personally made application to him therefor, and until he has received, examined, approved and filed the following papers duly executed: (1) A written statement of the person, firm, or corporation into whose service the child is about to enter that he intends to employ the child, which statement shall give the nature of the occupation for which the child is to be employed. (2) A school record signed by

the principal or teacher of the school last attended by said child, stating such child has completed the fourth grade of the elementary course of study of the public school or its equivalent. On and after September 1, 1924, a school record showing the completion of the fifth grade or its equivalent shall be required, and on and after September 1, 1926, a school record showing the completion of the sixth grade or its equivalent shall be required. The school record shall state the age and date of birth of the child as shown on the records of the school, and the name and address of the parent, guardian, or custodian. In case such school record cannot be obtained, then the officer authorized to issue employment certificates shall examine the child to determine whether he can meet the educational standard specified, and shall file in his office a statement setting forth the result of such examination. (3) One of the following evidences of age, showing the child to be fourteen years of age or over, to be required in the order herein designated: (a) duly attested transcript of the birth record of said child, filed according to law with any officer charged with the duty of recording births; (b) or a duly attested transcript of certificate of baptism showing the date of birth and place of baptism of such child; (c) or a life insurance policy which must have been in force for at least one year; (d) or a bona fide contemporary Bible record of birth; (e) or a passport or certificate of arrival in the United States showing the age of the child; (f) or in case the officer authorized to issue such certificates is satisfied that none of the above proofs of age can be produced and the parent, guardian or custodian shall make affidavit that none of the above proofs of age can be produced by him, other evidence of age, as an affidavit of age sworn to by the parent, guardian, or custodian of such child, the officer authorized to issue employment certificates being empowered by this chapter to take such affidavits of age, accompanied by a certificate of physical age of such child, signed by a public health or public school physician may be accepted; but a school record, or parent's guardians' or custodian's affidavit, certificate, or other written statement of age alone shall not be accepted. (4) A statement duly signed and dated by a County health

officer or a public school physician showing that he has personally examined the child, and that in his opinion the child is fourteen years of age or over, is of good physical development for a child of his age, is of sound health, and is physically qualified to perform the work at which he is to be employed. Proof of physical age and physical fitness shall be based on uniform standards prescribed by the Alabama State Board of Health, and the blanks and forms to be used for such examination shall be approved by the Alabama State Board of Health. In counties where there are neither County health officers, nor public school physicians, the examinations hereinbefore required shall be made by regularly licensed physicians authorized in writing by the chairman of the County Board of Health.

**328. Ages Required Before Issue of Employment Certificate.**—The officer issuing employment certificates shall have the authority and is empowered to issue age certificates to children sixteen years of age or over, and vacation certificates to children fourteen years of age or over, and special employment certificates to boys of twelve years of age or over to work in business offices, mercantile establishments, in and about dairies, or as caddies on golf links, during vacation when the public schools of the City or Town in which the child resides are not in session, in the same manner and upon the same proofs of age as hereinbefore required for employment certificates, school records being waived. Age, vacation, and special employment certificates shall be different in form and color from the regular employment certificates.

**329. Vacation and Special Employment Certificates.**—Vacation and special employment certificates shall become null and void on the date the public schools open for the regular session.

**330. Report of Certificates Issued Made.**—The Superintendent or Principal of schools in any City, Town or district, wherever there is one, and where there is none, the County Superintendent of Education shall, between the first



and tenth day of each month, transmit to the State Superintendent of Education and to the office of the State Child Labor Inspector a report, giving the name of each child to whom a certificate has been granted or denied during the preceding month, together with the reasons for each such denial. A refusal or failure to transmit such report by any person charged under this section with the duty of transmitting the same to the State Child Labor Inspector shall constitute a misdemeanor punishable by a fine of not less than five dollars, nor more than twenty-five dollars.

**331. What Certificate Must Contain.**—All employment certificates shall state the full name, place of and date of birth of the child, with the name and address of the parent, guardian, or person sustaining the parental relationship to such child, and shall contain a statement dated and signed by the issuing officer, that the child has personally appeared before him in company with his parent, guardian, or custodian, and that proofs of age and other legal qualifications as herein required have been submitted and filed. The printed form of certificates and the other papers required in the issuing of certificates shall be drafted by the State Child Labor Inspector hereinafter mentioned and furnished by him to the local and County Superintendents of Education.

**332. When Certificate Returned.**—On the termination of the employment of a child under the age of sixteen years, the certificate shall be returned by the employer holding the same to the school authority by whom it was issued within ten days after the termination of the employment. Every certificate so returned shall be cancelled by the officer who issued the certificate and transmitted to the State Child Labor Inspector with the next succeeding monthly report hereinbefore provided for.

**333. Certain Employment Prohibited.**—No boy under twelve years of age and no girl under eighteen years of age shall distribute, sell, expose or offer for sale, newspapers, magazines, periodicals, handbills, or circulars, or be so employed or permitted, or suffered to work in any other trade or occupation performed in any street or public place; but

boys ten years of age or over may engage in the distribution of newspapers or periodicals on fixed routes in the resident districts of towns or cities; and boys twelve years of age or over may engage in the occupation of bootblacks.

**334. Employment Badges Required.**—No boy under sixteen years of age shall engage in such street occupation above mentioned after eight o'clock at night or before five o'clock in the morning on any day; nor unless he has secured and wears in plain sight a badge as herein provided. Such badges shall be issued by the Superintendents or Principals of schools or some person designated by him in writing, and shall be granted only after the child has applied to him personally, accompanied by his parent, guardian, or custodian, and has established in the manner provided in this chapter for procuring employment certificate that he is twelve years of age or over, or if engaged only in distributing papers or periodicals on fixed routes in the resident districts, ten years of age, or over, and is a regular attendant at school; but boys fourteen years of age, legally qualified for employment certificates, may upon these facts being shown to the Superintendent of Schools in the manner required for employment certificates, be granted a special badge, school attendance being required.

**335. Renewal of Employment Badge.**—All badges shall be renewed annually between October 1st and December 31st, and shall not be transferable, and the form, design or color, shall be changed annually. A deposit of not more than fifty cents may be required by the person issuing the badge to be returned upon the surrender of the same; and if lost, the badge may be replaced upon the payment of twenty-five cents. All badges shall be provided by the State Child Labor Inspector and paid for out of any monies in the State Treasury not otherwise appropriated, and shall be distributed by said inspector on or before October 1st, of each year. A record of all monies received or deposits for badges shall be kept by the officer empowered to issue such badges. On December 31st of each year, the account shall be closed and all monies accruing or which have heretofore accrued from deposits made for badges lost or badges not returned shall be deposited by said Superin-

tendent, Principal or his designated agents with the Treasurer of the State of Alabama to be credited to the General Fund of the State of Alabama, and a report of said monies so deposited shall be made by said Superintendent, Principal or his designated agent to the State Child Labor Inspector.

**336. Delinquent Child.**—Any child who shall engage in any street occupation in violation of the provisions of the three preceding sections may be deemed delinquent and brought before any Court having jurisdiction over juvenile delinquents, and shall be dealt with according to law.

**337. Who May Revoke Employment Badge.**—The official charged with the enforcement of this chapter shall have authority to investigate each case where he believes that the child holding a badge is not entitled to its possession, and if he is satisfied from the evidence obtained that the child has secured the badge through misrepresentation or fraud, such official shall have authority to revoke the badge and return it to the official who issued it. Use of a badge shall be revoked or suspended in case the child's school record is not satisfactory to the Principal of the school which he attends, by either the officer who issued the badge or by any official charged with the enforcement of this chapter. No person, firm or corporation shall employ, permit or suffer a boy under sixteen years of age to work at any street occupation after eight o'clock at night or before five o'clock in the morning of any day.

**338. Power of School Attendance Officer.**—Every school attendance officer and probation officer shall report to the State Child Labor Inspector any and all violations of this chapter coming to his knowledge. Such school attendance officers and probation officers shall have the same right of access to establishments where minors are or may be employed or detained and of inspection of such establishments as is given by law to child labor inspectors, provided that a report of every such entry and inspection of said establishments shall be made to the State Child Labor Inspector. School attendance officers and probation officers when authorized

by the State Child Labor Inspector, shall have the same authority to institute prosecutions as is given by law to the State Child Labor Inspector or Deputy Child Labor Inspector.

## ARTICLE XVII.

### Teacher Training and Certification.—Sections 339-369.

**339. Public School Employees Must Hold Certificate.—**No person shall be employed in the public schools of the State as County Superintendent of Education, City Superintendent of Schools, Assistant Superintendent, Supervisor, Principal, Teacher, or Attendance Officer, unless such person shall hold a certificate issued by the State Superintendent of Education, but this section shall not operate to disqualify present incumbents except as otherwise provided by law.

**340. Issuance, Extension And Renewal of Certificates.—**All matters relating to the issuance, extension and renewal of certificates based upon examinations or upon credentials, including transcripts of applicants' records submitted by institutions of higher learning in Alabama approved for the training of teachers, or by institutions operated under the control of the State Board of Education for the training of teachers, or by institutions located in other States whose standards of training teachers are the same or equivalent to those approved by the State Board of Education, shall be subject to the rules and regulations of the State Board of Education. It shall be the duty of the State Superintendent of Education to submit for the approval of the State Board of Education from time to time rules and regulations governing the issuance, renewal and extension of certificates and to have printed a bulletin or bulletins which shall contain full information relating to the issuance, renewal and extension of certificates on examinations or on credentials, including transcripts of applicants' records, diplomas or training-in-service courses carried on under County Superintendents of Education and City Superintendents of Schools, approved by the State Superintendent of Education.



**341. Certificate of Administration and Supervision.—**

The minimum requirements for the lowest type of certificate of administration and supervision shall be on credentials showing graduation from a standard normal school or teachers' college or equivalent professional and academic education, with at least one year of additional advanced study of college grade, and proof of three years of successful teaching experience during the five years next preceding issuance of the certificate; provided that no certificate of administration and supervision may be issued to any person who does not hold or is not qualified to hold a teaching certificate based on credentials furnished by a college or other institution approved for the training of teachers.

**342. Examination for Teacher's Certificate.—**All examinations for teachers' certificates shall be upon uniform questions prepared and sent out by the State Superintendent of Education, either in person or through his assistants. All examination papers shall be forwarded to, read and corrected by the State Superintendent of Education, either in person or by his assistants. The County Superintendent of Education shall render such assistance in holding examinations as may be required by the State Superintendent of Education.

**343. Basis of Certificates Issued.—**Certificates hereafter to be granted shall be those based upon credentials showing the academic and professional or the special training of the applicants, or such certificates issued on the basis of examination of the applicants, as may be authorized and prescribed under rules and regulations approved by the State Board of Education; provided that nothing in this article shall be so construed as to limit the life of any certificate now in force; provided further that in a county in which the employment of teachers certificated by examination is prohibited by regulation such County Board of Education may by resolution request that examinations of teachers be discontinued in that County, and the State Superintendent of Education shall have authority in his discretion to approve such request.

344. **Validation of Certificates.**—The State Board of Education upon the recommendation of the State Superintendent of Education shall prescribe rules and regulations for the validation of certificates issued in other States, and for the renewal and extension of such certificates.

345. **Provisional Certificates.**—The State Superintendent of Education in cases of emergency may grant provisional certificates of the different kinds and grades, but a provisional certificate shall not be valid for a period to exceed one year and such provisional certificate shall not be extended or renewed.

346. **Permanent Certificates.**—The State Board of Education upon the recommendation of the State Superintendent of Education may authorize the issuance of permanent certificates to the holders of regular or special certificates issued upon credentials or examinations and prescribe the rules and regulations governing the validity of such certificates.

347. **Record of Teachers Qualification Kept.**—The State Superintendent of Education shall keep in the files of the State Department of Education a full and complete record of the academic preparation, professional training, including transcript and teaching experience of each and every applicant to whom a certificate is issued, extended, validated, or renewed. He shall keep on file for a period of six months the examination papers. He shall keep a complete record and file of all certificates issued and of all certificates in force.

348. **Placement Bureau For Teachers.**—The State Superintendent of Education shall make known to County Superintendents of Education and City Superintendents of Schools, or other interested parties the names of teachers who are unemployed and who are seeking positions. In order that this service may be effective, a Placement Bureau shall be organized in the Division of Teacher Training, Certification and Placement, and each teacher enrolled in the Placement Bureau shall pay a fee not to exceed One (\$1.00) Dollar. The State Superintendent of Education shall certify this fee into the State Treasury to the credit of the public

school fund at least monthly, along with the fees for the certification of teachers.

**349. Time For Holding Teachers Examinations.**—The third Monday in July is hereby fixed as the date for the examination of teachers which may be continued for at least two consecutive days if such continuance shall be necessary for the completion of the work of the examination. No examination shall be begun on any other day than the first day mentioned in this section, and no examination shall be held at any other time than on the date herein specified.

**350. Fee of Applicant For Certificate.**—Each applicant for a certificate, either on the basis of credentials or examination, shall pay a fee of Two (\$2.00) Dollars, which fee shall not be refunded whether or not the applicant is granted a certificate; provided, however, that where application is made for one kind or character of certificate and it is found that the applicant is eligible to receive another kind or character of certificate, the fee may be accepted for such certificate. No fee may be charged to the holder of a permanent certificate of any kind or character when the holder has complied with the conditions prescribed for its continued validity.

**351. Conduct of Examination For Teacher's Certificates?**—The County Superintendent of Education shall conduct the examination, but shall not receive any compensation for such service. Each assistant employed by the County Superintendent of Education shall be allowed a per diem of Five (\$5.00) Dollars, provided that one assistant may be employed for each fifty applicants or fraction thereof, from and above the first fifty in any given County. Should the County Superintendent of Education find it necessary to be absent, with the approval of the County Board of Education, he shall notify the State Superintendent of Education at least ten days before the time the examination is to be held, whereupon the State Superintendent of Education shall appoint a person to conduct the examination in place of the County Superintendent of Education, and such person so ap-

proved shall receive a per diem of Five (\$5.00) Dollars for such service.

**352. Quarters For Holding Examination.**—It shall be the duty of the County Superintendent of Education to see that suitable quarters for holding the examination are provided, including a supply of tables or desks for the convenience of those writing the examination. Separate quarters for white and negro applicants shall be provided. The County Superintendent of Education where necessary may expend for the provision of suitable quarters for holding the examination, including tables or desks, an amount not to exceed ten cents for each applicant, which amount may be collected from the applicants writing the examination.

**353. Place Applicant May Take Examination.**—All applicants for certificates, whether on credentials or examination, must be known by the person in charge of the responsibility of passing upon such credentials, or the person conducting the examination to be of good moral character, and in lieu of such knowledge on the part of the agents of the State Board of Education satisfactory proof of good moral character shall be furnished in writing and attached to the credentials or examination papers of the applicant. No applicant shall be permitted to write the examination in any County unless engaged in school work in such County, except the County of his residence, without the written approval of the State Superintendent of Education. The burden of proof under this section shall be upon the applicant.

**354. Revocation of Certificates.**—The State Superintendent of Education shall have authority to revoke any certificate issued under the provisions of this article when the holder has been guilty of immoral conduct or unbecoming or indecent behavior.

**355. Age Required of Applicant For Certificate.**—No person shall be eligible to receive a certificate under the provisions of this article who has not at the time the application is made for the certificate reached the age of seventeen years.



356. **Institutes.**—As a means of stimulating the improvement of teachers in service in the public schools of the State, institutes shall be held annually, one or more in each County or for a group of Counties, at such times and at such places as the State Superintendent of Education, after advising with the County Superintendent of Education shall direct. The duration of institutes shall not exceed four days in any one year for any County or group of Counties. The character of instruction shall be such as to promote the best interests of the schools. Separate institutes shall be held for the whites and negroes.

357. **Institute Attendance Required.**—Every person employed in a teaching, supervisory or administrative capacity by the County or City Board of Education in the public schools of the State shall attend the institute held for the County or City in which such person is employed, provided the institute is held during the term-time or during the week immediately preceding the date of opening the schools in the County or City. All persons attending such institute shall be paid as for time taught, and any person subject to institute attendance who fails to attend an institute called in accordance with the provisions of this article shall forfeit his or her contract with the respective County or City Board of Education as the case may be, and shall be ineligible to employment in the public schools of the State for a period of six months from the date of such delinquency, unless excused as herein-after provided.

358. **Excuses For Non-Attendance of Institute.**—The State Superintendent of Education, on the advice of the County Superintendent of Education or the City Superintendent of Schools, shall have power to excuse and accept excuses for failure to attend institutes held under the provisions of this article for extraordinary reasons, and persons so excused shall be deemed to have met all requirements of institute attendance, but shall not be entitled to pay as for time taught.

359. **Conductor of Institute Furnished List.**—At the beginning of the institute it shall be the duty of the County Su-

perintendent of Education or City Superintendent of Schools, as the case may be, to furnish the conductor of the institute, appointed by the State Superintendent of Education, on forms provided by the State Department of Education, duplicate lists of all persons employed in his jurisdiction subject to institute attendance. At the close of the institute, or as soon thereafter as possible, the conductor shall file with the County Superintendent of Education and with the City Superintendent of Schools a duplicate list of all persons employed in the County or City, as the case may be, who have met the legal requirements of institute attendance, or who have been excused in accordance with the provisions of this article. The original of the list shall be filed in the office of the State Department of Education.

**360. Persons Not Attending Institute Not Placed On Pay-Roll.**—It shall be unlawful for any County Superintendent of Education or any Superintendent of City Schools to place the name of any person, subject to institute attendance, on his pay roll during the period of six months following the close of the institute so held, who at the time said institute was held failed to attend or submit an excuse approved by the County Superintendent of Education or the City Superintendent of Schools as the case may be and accepted by the State Superintendent of Education.

**361. Teacher's Conferences.**—As a further means of improving teachers in service the County Superintendent of Education or the City Superintendent of Schools shall arrange for and conduct conferences in convenient centers at which round tables shall be conducted upon the courses of study, on the work of the State Teachers' Reading Circle, or on problems of instruction, supervision and administration.

**362. Recognition Given Conference Work.**—The State Board of Education shall give appropriate recognition toward the renewal and extension of certificates of any person who completes in a satisfactory manner the work assigned for such conferences, and it is made the duty of the State Superintendent of Education, after advising with the County Superintend-

ent of Education or the City Superintendent of Schools, to prepare outlines for use in teachers' institutes and in the group meetings to be held in accordance with the provisions of this article. Certificates of credit entitling the holder to the privilege of renewal or extension of certificate, as set out in this section, shall be issued in accordance with the rules and regulations of the State Board of Education governing the training-in-service work.

**363. Training in Service Work.**—In the conduct of institutes and group conferences as provided in this article it is made the duty of the State Normal Schools or Teachers' Colleges and other State-supported institutions of higher learning offering teacher-training courses, to co-operate as far as practicable with the State Department of Education in furthering training-in-service activities. The State Department of Education in co-operation with the State Normal Schools or Teachers' Colleges and other State-supported institutions of higher learning offering teacher-training courses shall arrange as far as may be practicable for extension courses as a part of or in lieu of group conferences hereinbefore provided. County Superintendents of Education and City Superintendents of Schools shall from time to time make known their training-in-service needs to the State Department of Education and the Department through co-operation with teacher-training institutions shall endeavor to assist County and City Superintendents in setting up and carrying into effect a training-in-service program.

**364. Standards, Minimum Requirements.**—For the purpose of setting up standards for the preparation of teachers, supervisors and administrative employees for service in the public schools the State Board of Education shall authorize and prescribe minimum requirements on courses of study, organization, qualification of instructors, buildings and equipment and sanitary conditions, and it shall be the duty of the State Superintendent of Education, or his professional assistants to visit institutions engaged in teacher-training, hold conferences with the teachers and officials of such institutions, explain the requirements of the State Board of Education re-

lating to the preparation of teachers, look into the character of work being done, and perform such other services as may be deemed advisable for the improvement of the training provided for prospective teachers of the public schools of the State.

**365. Supervision of Teacher Training Institutions.**—It shall be the duty of the State Superintendent of Education, or his professional assistants, to exercise general supervision over the teacher-training institutions under the control of the State Board of Education. The State Superintendent of Education and the Director of Teacher Training, Certification and Placement, together with the presidents of the State Normal Schools or Teachers' Colleges under the control of the State Board of Education, and the deans or directors of the schools of education in the state-supported institutions of higher learning shall constitute an advisory council on teacher training.

**366. Rules and Regulations Relative to Training.**—All laws and rules and regulations of the State Board of Education relating to the preparation of teachers for service or the training of teachers in service shall be administered by the State Superintendent of Education, or through his professional assistants, provided that the provisions of this section shall not be interpreted as being in conflict with other provisions of this Code.

**367. City May Maintain Normal School.**—The Board of Education of any City of one hundred fifty thousand inhabitants or more, according to the last or any succeeding Federal census, may as an integral part of its school system establish and maintain a normal school or teachers' college for the professional preparation of teachers. Any such institution so established shall conform to all laws and rules and regulations of the State Board of Education governing the operation of State Normal Schools or Teachers' Colleges in all matters relating to courses of study, faculty, buildings and equipment, and practice school facilities. The students of such normal schools or teachers' colleges operated in accord-



ance with the provisions of this section shall receive like recognition as may be granted to students of State Normal Schools or Teachers' Colleges.

**368. Applicant's Fees Paid Into Treasury.**—The fees paid by applicants for certificates provided for in this article shall be certified at least monthly into the State Treasury to the credit of the public school fund by the State Superintendent of Education.

**369. Expenditure For Professional And Clerical Assistants.**—The State Board of Education is authorized to expend so much of the annual legislative appropriations of Fifteen Thousand (\$15,000) Dollars for the certification and placement of teachers and of Fifteen Thousand (\$15,000.00) Dollars for the training of teachers as may be necessary for professional and clerical assistance or for the purchase of equipment and supplies and other expenses incident thereto, or for such other purposes as may be necessary to carry into effect the provisions of this article. When it shall become necessary to pay out the funds provided in this section the State Superintendent of Education shall make requisition upon the State Auditor, who shall draw his warrant for the amount for which requisition is made.

## ARTICLE XVIII.

### Rural Schoolhouses.—Sections 370-386.

**370. Rural School-House Fund.**—The fund for the erection, repair and equipment of rural schoolhouses shall consist of the annual legislative appropriations and of unexpended balances as provided by law.

**371. Appropriation For Rural School House.**—There is hereby appropriated two hundred twenty-one thousand five hundred dollars annually for the purpose of this article. Out of the appropriation for the erection, repair and equipment of rural schoolhouses, the State Superintendent of Education may annually set aside such an amount as may be deemed neces-

sary to procure expert assistants in the drawing of plans and specifications, in the preparation of estimates of bills of materials, in the inspection of buildings, and for such other expenses incident thereto as are deemed necessary, and he shall apportion the remainder equally among the several Counties of the State. On the first day of October annually the total of any unexpended balances remaining to the credit of the Counties, together with any unexpended balance of the amount set aside as provided above, shall be apportioned equally among all the Counties of the State, and the State Superintendent of Education shall certify such apportionment to the State Auditor.

**372. Application for Rural School House.**—The County Board of Education, where it is proposed to erect a school building or teachers' home according to plans furnished by the State Department of Education or to repair or to equip a school building according to plans approved by the State Department of Education may make application to the State Board of Education for aid subject to the following conditions: The application shall show that at least twice the amount for which aid is asked has already been secured from other sources than from the State, and shall also contain a description of the plot of land upon which the public school building for which aid is sought is located or is to be erected. Nothing in this article shall prevent the granting of aid for the erection, repair and equipment of rural school buildings on property already owned by the State. County High Schools shall be eligible for aid for repairs and equipment under the provisions of this article.

**373. Amount of Aid For Class Room.**—The maximum amount for which application is made for the erection of a school building shall not exceed four hundred fifty dollars for each standard class room. In making additions to buildings the sum of four hundred dollars will be granted for each standard class room erected.

**374. Auditorium.**—In the granting of aid in the erection of buildings under provisions of this section, the classrooms

shall not be interpreted to include auditorium or work room but additional aid in the sum of seven hundred fifty dollars over and above the maximum amount specified for each type of building enumerated above, shall be available under the same conditions for the erection of an auditorium, and four hundred dollars under like conditions shall be available for the erection of one work room of standard size.

**375. Maximum Amount of Aid For Repair.**—The maximum amount for which application is made for the repair not including the erection of new rooms, or for the equipment of a school building shall not exceed five hundred dollars, provided that no application for repair or for equipment for less than fifty dollars shall be considered.

**376. Separate Toilets For Boys and Girls.**—It shall be stipulated in each application for State aid on the erection of new buildings that separate toilets for boys and girls, to conform to standards set up by the State Board of Education in co-operation with the State Board of Health will be erected.

**377. Maximum Amount For Teacher's Homes.**—The maximum amount for which application is made in the erection of a teachers' home cannot exceed six hundred dollars for a home of five rooms, seven hundred dollars for a home of six rooms, eight hundred dollars for a home of seven rooms and nine hundred dollars for a home of eight rooms.

**378. Repair of Teacher's Homes.**—The maximum amount for which application is made in the repair of a teachers' home, shall not exceed five hundred dollars. No application in the repair of a teachers' home of less than fifty dollars shall be considered. In the granting of aid in the erection of a teachers' home under the provisions of this section the word "room" shall not be interpreted to include pantries or closets. When aid is granted in the repairing of a teachers' home it shall be on plans approved by the State Department of Education.

**379. Use of Permanent Materials.**—Whenever permanent materials such as masonry walls of hard burned brick,

reinforced concrete, stone, terracotta with stucco, or other equally permanent or substantial materials are specified in construction of any building erected or repaired under the provisions of this article, the amounts of state aid allowed may be increased not to exceed one hundred per centum over and above the amounts hereinbefore in this article provided.

**380. Record of Proceedings On Application Required.—**

The State Superintendent of Education shall consider all applications filed, shall approve such as seem worthy under such regulations as may be prescribed by the State Board of Education, and shall keep a record of the proceedings showing the applications approved, the amount secured from other sources than from the State, and the amount which the County Board of Education recommends to be given to any school.

**381. Certificate Required of County Board of Education.**

—The County Board of Education shall certify to the State Superintendent of Education the amount secured from other sources than from the State which have been paid over to the County Treasurer of School Funds and that a deed in fee simple to not less than two acres of land, if for the repair or for the equipment of any school building or for the erection of a school building with not more than two class rooms and of not less than five acres of land for a school building containing three or more class rooms, has been executed to the State of Alabama. When application is made for the repair or for the equipment of any building the title to the property may be vested in the County Board of Education. The said certificate shall show the amount of money recommended to be given to the school; and the deed or deeds conveying the title to the property shall accompany the certification made to the State Superintendent of Education and shall remain on file in his office.

**382. Compliance With Conditions Must Be Verified.—**

Before approving any application for aid which has been properly certified to him, the State Superintendent of Education shall satisfy himself that the conditions of this article have been fully complied with. If he approves the applica-



tion as certified to him by the County Board of Education he shall request the State Auditor to draw his warrant on the State Treasurer for the amount for which the application is approved. The State Auditor shall draw his warrant on the State Treasurer for the amount of money to be given to the school as shown by the requisition of the State Superintendent of Education, making the warrant payable to the County Treasurer of School Funds of the County wherein the school is located and shall indicate therein for the benefit of what public school the same is issued. The warrant shall be delivered to the State Superintendent of Education who shall forward the same to the County Treasurer of School Funds of the County wherein the school receiving the aid is located and shall also notify the County Board of Education of that fact. All persons receiving any warrant or the proceeds thereof issued under this article shall issue a receipt to the person from whom he receives the same.

**383. When State Aid Warrant Cashed.**—The erection, repair and equipment of any building under the provisions of this article shall be under the direction and control of the County Board of Education, which Board shall authorize all contracts and shall order the County Treasurer of School Funds to make payment of the amount due under any contract. The State warrant, issued under the provisions of this article, shall be held in trust and shall not be cashed until inspection has been made and approval certified by the State Superintendent of Education to the County Treasurer of School Funds and the County Board of Education.

**384. Certificate of Completion And Inspection of Work.**—Whenever the County Board of Education shall certify to the State Superintendent of Education that the building for which State aid is appropriated is completed and all equipment is in place or repairs made and that all indebtedness on the building, equipment or repairs has been paid except such an amount as will be satisfied by the funds remaining in the hands of the County Treasurer of School Funds, the State Superintendent of Education shall inspect or delegate some one to inspect the work done and equipment installed,

and if such meets all requirements of the provisions under which State aid was granted, he shall authorize the County Treasurer of School Funds in writing to pay out the remainder of the funds upon the order of the County Board of Education.

**385. Account Kept With Each County: When Warrant Cancelled.**—The State Superintendent of Education shall open an account with each County in the State in a book kept by him for that purpose and shall charge against the County the amount of each warrant issued under this article for the benefit of the public schools of such County. Any warrant not cashed by the County Treasurer of School Funds by reason of failure to comply with the requirements of this article shall, after the lapse of twelve months from the issuance of the same, unless the time be extended during said twelve months by an order of the State Superintendent of Education, and where so extended after the lapse of the period of extension, be by him returned to the State Superintendent of Education, who shall mark the same "cancelled" and shall also make in the book kept by him in accordance with the preceding section a credit entry in favor of the County for which the warrant was originally drawn for the amount of any warrant so cancelled, but this section shall not be so construed as to prevent the return of any warrant for cancellation before the expiration of the twelve months' period when the County Board of Education shall certify that the patrons are unable to comply with the requirements of the law. Where the State Superintendent of Education extends the time for the return of such warrant not cashed after a lapse of twelve months from the issuance of the same, the State Superintendent of Education shall file with the State Auditor and State Treasurer a copy of the order allowing such extension.

**386. Use of Unexpended Balance of a County.**—On September first of each year, all Counties which have not exhausted their appropriations shall contribute out of their unexpended balance amounts sufficient to cover the applications on file from those Counties which have exhausted their appropriations, each County which has an unexpended balance con-

tributing from such balance to the total amount of excess applications in the same proportion that the total of the excess applications bears to the total of unexpended balances. If there are sufficient funds to pay all excess applications it shall be done, otherwise the funds available shall be pro-rated among the Counties having excess applications on file.

## ARTICLE XIX.

### Sale and Conveyance of Land Deeded to the State For School Purposes.—Sections 387-389.

387. **Sale of Certain School Lands.**—Whenever the County Board of Education of any County shall certify to the State Superintendent of Education that it is to the benefit of the public school interests of such County or a public school district thereof for any lands situated in such County or district which have been conveyed to the State of Alabama for school purposes under the provisions of the law relating to securing State aid in the erection or repairing of rural school-houses or the provisions of the law relating to County High Schools to be sold, particularly describing the same, the Superintendent of Education, upon the receipt of such certificate, with the approval of the Governor, shall sell and convey such land, either at public or private sale, and upon such consideration as may to him appear just and proper in the premises, shall execute a deed to the purchaser of the same in the name of the State of Alabama, and upon the delivery of such deed, the same shall divest all the right, title and interest of the State of Alabama in said land and invest it in such purchaser.

388. **Disposition of Proceeds of Sale.**—The proceeds of any sale of lands made under this article shall be by the State Superintendent of Education paid to the County Treasurer of School Funds where such land is situated.

389. **Purpose For Which Proceeds of Such Sale May Be Used.**—If said lands were conveyed to the State under the provisions of the law relating to securing State aid in the

erection or repair of a rural schoolhouse, the proceeds of the sale thereof shall be used by the County Board of Education for the exclusive use of the public school building fund of the County. If the lands were conveyed to the State under the provision of the law relating to high schools, and there had been no State aid in erecting or repairing any building thereon the proceeds of the sale thereof shall constitute a part of the public school fund of the County.

## ARTICLE XX.

### Rural And County Libraries.—Sections 390-402.

390. **Rural Library Fund.**—The Rural Library Fund shall consist of the annual sum of one hundred dollars for each County, in all sixty-seven hundred dollars, as appropriated by law, which fund shall be used for the purpose of establishing and maintaining libraries in the rural schools of the State as provided by this article.

391. **County May Appropriate Funds For School Libraries.**—The Commissioners' Court, Board of Revenue or Board of Education in any County is hereby authorized to appropriate not less than ten dollars to any public school under the control of the County Board of Education and to any County High School for the purpose of establishing, maintaining, enlarging or improving public libraries in such schools.

392. **Donations Required: How County And State Aid Secured.**—In order to obtain the benefits of the provisions of this article the patrons or friends of the school shall first raise the sum of not less than ten dollars and deposit the said amount with the County Superintendent of Education. The County Superintendent shall within ten days certify to the Commissioners' Court, Board of Revenue or Board of Education the fact of the said deposit, requesting action thereon. Thereupon the said Court or Board shall at once, or at the first term of meeting following the receipt of the notice, consider making appropriation of not less than ten dollars. If



the appropriation shall be made, the Probate Judge or other presiding officer of the Court or Board shall on the same date certify the fact to the County Superintendent, who shall immediately thereafter, transmit notice of the same to the State Superintendent of Education. On receipt of notice that an amount of not less than twenty dollars has been made available as provided in this section, the State Superintendent of Education shall make requisition upon the State Auditor for the sum of ten dollars in order to meet such donations and appropriations. The said warrant shall be drawn in favor of the County Treasurer of School Funds, to whom shall also be at once paid over by the County Superintendent of Education the amount first collected by voluntary subscription, and the sum appropriated by the Commissioners' Court, Board of Revenue or Board of Education. The County Treasurer of School Funds shall keep a separate account of said sums so received and they shall be paid out by him as hereinafter directed. In the event either or both the County Board of Education or the County Board of Revenue or Court of County Commissioners fail or decline to match funds raised locally, the Treasurer of School Funds is authorized to accept additional local funds to meet the requirements for State aid.

**393. Unexpended Balance of Library Fund.**—On January 1st of each year, the unexpended balances of the State appropriation remaining to the credit of each County shall be consolidated into a common fund available for use by any or all County Boards of Education in the purchase of libraries under the regulations set out in this article for State aid. Applications shall be approved in the order in which said applications are filed in the prescribed form with the State Department of Education.

**394. Library Books and Equipment.**—The State Superintendent of Education with the advice of the Director of the Department of Archives and History, shall compile and publish a carefully selected and annotated list of books from which the libraries herein provided shall be chosen, and they shall also adopt and publish rules and regulations for the choice of books, their use, preservation and circulation, the

erection of book shelves or book cases, and the equipment of library rooms or buildings, and the training of librarians or custodians for the libraries. The selection shall be as nearly as possible representative of the whole field of literature, and maximum prices for purchase shall be indicated.

**395. Library Board.**—The County Superintendent of Education and the Trustees of the school to which a library has been granted shall constitute a Library Board charged with the administration of the library as other school property, and they are hereby charged with the same care and attention in connection therewith as of the school grounds, the school building or buildings, and the school equipment.

**396. Duty of Library Board: Librarian Selected.**—They shall select the librarian or custodian, who shall be the teacher, if he or she will consent to act, and they shall see that the rules prescribed herein are carried out, but if the librarian is other than the teacher, such person shall be under the direction of the teacher as the representative of the Library Board. They shall provide a suitable bookcase, or bookcases, with lock and key, for the preservation of the library. They shall furnish to each teacher at the beginning of school an inventory of all the books in the library and shall require from each teacher at the close of school an inventory of all books in the library. Arrangements for keeping the library open during vacation may be made by the County Board of Education. In the event the full number of libraries available for any County are not taken on or before the first day of July of that year, the County Board of Education may in its discretion allow any individual school to apply for one or more libraries under the same general conditions prescribed in this article.

**397. Circulating Libraries.**—Any County Board of Education may in lieu of granting separate libraries for each school establish a system of circulating libraries, said libraries to be purchased under the same conditions and in keeping with the plan set out in the previous sections of this article by the County Superintendent of Education. Such circu-

lating libraries shall be available for use in the public schools of the County under rules and regulations prescribed by the County Board of Education with the approval of the State Board of Education.

398. **Purchase of Books For Library.**—The selection and purchase of books from the authorized list shall be made by the County Superintendent of Education with the assistance of the principal teacher of the school. After the order has been placed by the County Superintendent of Education and a notice of the delivery of the books received, the County Treasurer of School Funds shall draw a warrant or check to cover the charges including the freight. Vouchers or bills in duplicate shall be made out, the original to be sent by the book-seller or dealer to the County Treasurer of School Funds, and a copy to the State Superintendent of Education.

399. **Establishment of Free Public Libraries.**—The Court of County Commissioners, the Board of Revenue or other governing body of the Counties of this State may establish and maintain or aid in establishing and maintaining free public libraries for the use of the citizens of their respective counties, either separately or in connection with free public libraries or subscription libraries already established therein, or in connection with the public schools, and to that end may accept gifts, donations, and bequests of lands, buildings or money therefor, and may make appropriations from the County Treasury in support thereof in such sums as they may deem proper.

400. **Supervision of Free Public Libraries.**—The government and supervision of such libraries shall be vested in a County Library Board, which shall consist of the Probate Judge, as chairman and the County Superintendent of Education as secretary, both ex-officio, and three others to be selected by the above named County authorities.

401. **Power of Board of Free Public Libraries.**—The Library Board so created shall have full power and authority to control the expenditures of all funds received or appropriated for such libraries; to erect or rent buildings to cost not

in excess of the funds available to them; to purchase books and equipment, to provide a system of circulating or traveling libraries; to elect a librarian and other employees, and otherwise to have full authority and power to manage and control the said library in order to carry out the full intent and purpose of this article; and a careful and complete record and set of books shall be kept by the Library Board, showing the proceedings of their several meetings and the disbursement in detail of all funds expended by them. In Counties where free public libraries are already established and in operation, a separate county Library Board shall not be appointed, but the County Libraries and the appropriations authorized shall be administered by the governing board of such public library, on such terms as may be agreed upon between the above named County authorities and the said governing board.

402. **Affiliation of Libraries.**—Any rural, town or village school library, secured or provided under this article may, on application of the district library board, to the County Library Board, affiliate such library with the County Library, or with the free public library administering the County Library, in accordance with rules fixed by the County Library Board, or by the free public library board.

## ARTICLE XXI.

### Vocational Education.—Sections 403-420.

403. **Acceptance of Provisions of Federal Act.**—The State of Alabama hereby accepts all of the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America, in Congress assembled, entitled "An Act to provide for the promotion of Vocational Education; to provide for co-operation with the States in the promotion of Vocational Education; to provide for co-operation with the States in the promotion of such education in agriculture and the trades and industries; to provide for co-operation with the States in the preparation of



teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February twenty-third, Nineteen Hundred and Seventeen.

404. **State Treasurer Custodian of Federal Funds.**—The State Treasurer is hereby designated and appointed custodian of all monies received by the State from the appropriations made by said Act of Congress, and he is authorized to receive, and to provide for the proper custody of the same and to make disbursements thereof in the manner provided in the Act and for the purpose therein specified. He shall also pay out any monies appropriated by the State of Alabama for the purpose of carrying out the provisions of this article upon the order of the State Board of Education.

405. **Vocational Education in Charge of Superintendent.**—The State Superintendent of Education shall designate by and with the advice and consent of the State Board of Education, such assistants as may be necessary to properly carry out the provisions of the article. The State Superintendent of Education shall also carry into effect such rules and regulations as the State Board of Education may adopt and shall prepare such reports concerning the condition of vocational education in the State as the State Board of Education may require.

406. **Authority of State Board As To Vocational Education.**—The State Board of Education shall have all necessary authority to co-operate with the Federal Board for Vocational Education in the administration of said Act of Congress; to administer any legislation pursuant thereto enacted by the State of Alabama, and to administer the funds provided by the Federal Government and the State of Alabama, under the provisions of this article, for the promotion of vocational education in agricultural subjects, trade and industrial subjects, and home economics subjects. It shall have full authority to formulate plans for the promotion of vocational education in such subjects as an essential and integral part of the public school system of education in the State of Alabama, and to provide for the preparation of teachers of

such subjects. It shall have authority to fix the compensation of such officials and assistants as may be necessary to administer the Federal Act and this article for the State of Alabama and to pay such compensation and other necessary expenses of administration from funds appropriated in this article. It shall have authority to make studies and investigations relating to vocational education in such subjects; to promote and aid in the establishment by local communities of schools, departments, or classes giving training in such subjects; to co-operate with local communities in the maintenance of such schools, departments, or classes; to prescribe qualifications for the teachers, directors and supervisors of such subjects, and to have full authority to provide for the certification of such teachers, directors and supervisors; to co-operate in the maintenance of classes supported and controlled by the public for the preparation of teachers, directors and supervisors of such subjects or to maintain such classes under its own direction and control; to establish and determine by general regulations the qualifications to be possessed by persons engaged in the training of vocational teachers.

**407. City and County Boards to Co-operate With State Board.**—The Board of Education of any County or of any City having a City Board of Education, may co-operate with the State Board of Education in the establishment of vocational schools or classes giving instructions in agricultural subjects, in trade or industrial subjects or in home economics subjects and may use any monies raised by public taxation in the same manner as monies for other school purposes are used for the maintenance and support of public schools.

**408. Appropriation to Match Federal Funds.**—The State of Alabama shall appropriate a sum of money available for each fiscal year not less than the maximum sum which may be allotted to the State of Alabama for the purpose set forth in the said Federal Act. It shall be understood that the State of Alabama shall make available a sum of money out of the State Treasury for each and every fiscal year not less than the maximum sum which may be allotted to the State of Alabama

for the purposes set forth in the Federal Vocational Act and the Federal Rehabilitation Act or any other Federal Act which may hereafter be enacted carrying appropriations making available funds for vocational training and civilian rehabilitation in the several States.

**409. Purposes For Which Funds Used.**—The monies appropriated by the State of Alabama, the funds deposited with the State Treasurer under the provisions of the Smith-Hughes Act, and any other funds accruing to the State for vocational education, shall be used by the State Board of Education for the purposes set forth in this article, and the monies so appropriated and accruing shall be paid out upon requisition of the State Superintendent of Education upon the State Auditor who shall draw his warrant upon the State Treasurer for the amount for which requisition is made.

**410. Annual Report to the Governor.**—The State Board of Education in its annual report to the Governor shall set forth the condition of vocational education in the State of Alabama, a list of the schools to which Federal and State aid has been given, and a detailed statement of the expenditures of Federal and the State funds provided for the purposes of this article.

**411. County and City May Make Appropriation for Smith-Hughes Type of Vocational Training.**—Boards of Revenue and Courts of County Commissioners of Counties of Alabama are hereby authorized to make appropriations to County Boards of Education to be used in providing classrooms, laboratories, and shops for use in teaching vocational subjects, and for maintaining such vocational departments after they have been established; provided that such appropriations may only be made for use in any school or schools duly recognized by the State Board of Education as centers for vocational instruction of the Smith-Hughes type, and on account of which reimbursement is being made or is to be made during the next fiscal school year following the first payment of County funds appropriated for such purposes.

**412. County Treasurer of School Funds Custodian.**—Funds so appropriated shall be paid to the County Treasurer of public school funds by the County Treasurer on authorization of the Court of County Commissioners or Board of Revenue. The County Treasurer of Public School Funds shall pay out such funds on authorization of the County Board of Education.

**413. Acceptance of Provisions of Federal Rehabilitation Act.**—The State of Alabama hereby accepts all of the provisions and benefits of an Act passed by the Senate and House of Representatives of the United States of America in Congress assembled, entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," (H. R. 4438, approved June 2, 1920).

**414. State Treasurer Custodian of Federal Funds For Rehabilitation.**—The State Treasurer is hereby designated and appointed custodian of all monies received by the State from the appropriations made by said Act of Congress, and he is authorized to receive, and to provide for the proper custody of the same and to make disbursements thereof in the manner provided in the Act and for the purposes therein specified. He shall pay out any monies appropriated by the State of Alabama for the purpose of carrying out the provisions of this article upon the order of the State Board of Education.

**415. Duties of Superintendent As to Rehabilitation Work.**—The State Superintendent of Education shall designate, by and with the advice and consent of the State Board of Education, such assistants as may be necessary to properly carry out the provisions of this Act. The State Superintendent of Education shall also carry into effect such rules and regulations as the State Board of Education may adopt and shall prepare such reports concerning the conditions of vocational rehabilitation of persons disabled in industry or otherwise as the State Board of Education may require.



**416. State Board of Education's Authority to Co-operate With Federal Board in Rehabilitation Work.**—The State Board of Education shall have all necessary authority to co-operate with the Federal Board of Vocational Education in the administration of said Act of Congress. It shall co-operate with the State agency in charge of the Workmen's Compensation Act. The State Board shall administer any legislation which may hereafter be enacted by the Legislature of the State of Alabama, and shall administer the funds provided by the Federal Government and the State of Alabama, for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment. It shall have full authority to formulate plans for the promotion of the training of such persons in such subjects essential to their rehabilitation. It shall have authority to fix the compensation of officials and assistants as may be necessary to administer the Federal Act and this article, and to pay such compensation and other necessary expenses of administration from funds appropriated by the State. It shall have authority to make studies and investigations relating to the rehabilitation of disabled persons; to promote and aid in the establishment of schools, departments or classes giving such necessary training; to co-operate with local Boards of Education, organizations and communities in the maintenance of such schools, departments or classes; to prescribe qualifications for the teachers, directors and supervisors of such subjects, and to have full authority to provide for the certification of teachers, directors and supervisors.

**417. Institutions and Boards May Co-operate In Rehabilitation Work.**—The Board of Education of any County, or City or incorporated Town having control of its own public school system or any State institution of higher learning having its own board of control may co-operate with the State Board of Education in the establishment of schools or classes giving instruction in the training of disabled persons and may use any money raised by public taxation in the same manner as monies for other school purposes are used for the maintenance and support of public schools.

**418. Treasurer Custodian of Rehabilitation Funds.—**

The monies appropriated by the State of Alabama, the funds deposited with the State Treasurer under the provisions of the Federal Act and any other funds accruing to the State for vocational rehabilitation training of disabled persons shall be used by the State Board of Education for the purposes set forth in this article, and the monies appropriated and accruing shall be paid out upon requisition of the State Superintendent of Education upon the State Auditor who shall draw his warrant upon the State Treasurer for the amount for which requisition was made.

**419. Annual Report to Governor On Rehabilitation.—**

The State Board of Education in its annual report to the Governor shall set forth the conditions of vocational rehabilitation education in the State of Alabama, a list of the schools to which Federal and State aid has been given, and a detailed statement of expenditures of Federal funds and the State fund provided for the purposes of this article.

**420. Appropriation On Rehabilitation.—**There is hereby appropriated out of the State Treasury the sum of one hundred and eighty-one thousand dollars annually to be paid out by the State Superintendent of Education on and with the approval of the State Board of Education for the purposes set out in this article.

## **ARTICLE XXII.**

### **Illiteracy—Sections 421-425.**

**421. Removal of Illiteracy Duty of State Board of Education.—**The State Board of Education shall be charged with the responsibility for the removal of illiteracy in Alabama. It shall have the power to make research and to collect data, and shall endeavor to enlist the services of any and all community agencies of the State for the removal of illiteracy. The State Board of Education is authorized to receive and expend any funds which may be given to it from time to time

from public, private or other sources, and shall adopt such rules and regulations as may seem to it most satisfactory for carrying on the work outlined in this section.

**422. County and City Boards Must Co-Operate With State Board in Removal of Illiteracy.**—It shall be the duty of County and City Boards of Education to co-operate with the State Board of Education in the removal of illiteracy in the territory under their respective jurisdictions and to this end the said boards may appropriate from public school funds such amounts as may be necessary to carry out the provisions of this article.

**423. Authority to Co-Operate With Federal Government.**—The State Board of Education and County and City Boards of Education are hereby authorized to co-operate with the Federal Government in making effective any law that may be enacted by Congress for the removal of illiteracy in Alabama and in the Counties and Cities thereof.

**424. Legislative Appropriation For Illiteracy, Use Of.**—For the employment of such professional and clerical assistants as may be necessary and for other necessary expenses, the State Board of Education is authorized to expend the annual legislative appropriation and such other funds as may be available for the purpose set out in this article. The legislative appropriation shall be paid out upon the requisition of the State Superintendent of Education on the State Auditor who shall issue his warrant upon the State Treasurer for the amount for which requisition is made.

**425. Appropriation For Removal of Illiteracy.**—There is hereby appropriated out of any money in the treasury not otherwise appropriated the sum of twelve thousand, five hundred dollars annually for the use of the Alabama Illiteracy Commission or of the State Board of Education, if created, for the removal of illiteracy in Alabama. The said fund shall be paid out upon the requisition of the State Superintendent of Education upon the State Auditor who shall issue his warrant upon the State Treasurer for the amount for which requisition is made.

## ARTICLE XXIII.

## Textbooks.—Sections 426-460.

426. **Courses of Study: Minimum Contents Prescribed.**—

The State Board of Education, on the recommendation of the State Superintendent of Education, shall prescribe the minimum contents of courses of study for all public, elementary and high schools in the State, and shall fix the maximum number of books which are compulsory in each grade of the elementary schools.

427. **Course of Study Committee.**—The State Board of Education, on the recommendation of the State Superintendent of Education, shall appoint a committee to be known as the Committee on Courses of Study to consist of not less than seven nor more than ten members actively engaged in teaching in the public elementary schools, high schools, normal schools or colleges of the State, two of whom shall be engaged in primary work, whose duty it shall be to prescribe the courses of study for the elementary and high schools of the State showing the minimum contents for the different kinds and grades of schools. The Committee on Courses of Study shall also prepare, or cause to be prepared, for approval and adoption the compulsory maximum contents of the courses for each grade of the elementary schools.

428. **Report of Course of Study Committee.**—The Committee on Courses of Study shall submit a report of their recommendations to the State Superintendent of Education at least once every three years, and may submit a report of recommendations at any time they see fit. It shall be the duty of the Superintendent of Education to submit to the State Board of Education the report of said Committee on Courses of Study, together with such recommendations as he may think proper. The members of the Committee on Courses of Study shall serve for a period of six years and they shall hold office until their successors shall be appointed. The State Superintendent of Education shall be ex-officio chairman of the Committee on Courses of Study. The Commit-



tee on Courses of Study shall meet at the call of its chairman and organize by selecting someone to act as secretary who shall be charged with the duty of keeping an accurate record of its proceedings.

**429. Qualifications, Oath and Compensation of Members of Course of Study Committee.**—Before transacting any business each member of the Committee on Courses of Study and its secretary shall take an oath before someone authorized to administer oaths to faithfully discharge the duties imposed upon him as a member or as secretary of said Committee on Courses of Study, and that he has no interest as an author, an associate author, a publisher, a representative of authors or publishers, and that he is in no way connected with the distribution of books, or pecuniarily interested directly or indirectly in the business or profits of any person, firm or corporation anywhere engaged in manufacturing, publishing or selling school books. The Committee on Courses of Study shall receive the same compensation and expenses as that hereinafter provided for the members of the Textbook Committee and shall not remain in session at any one time for a longer period than thirty days.

**430. Meeting and Duty of Course of Study Committee.**—It shall be the duty of the State Board of Education, upon the recommendation of the State Superintendent of Education, to appoint the Committee on Courses of Study herein provided, and immediately upon the appointment of said Committee, it shall be the duty of the Committee to convene on the call of its chairman as soon thereafter as may be convenient, not more than sixty days after the passage and approval of this Code. It shall be the duty of the Committee on Courses of Study upon its convening to canvass the entire courses of study of the elementary schools, high schools, normal schools, and to make their report as soon thereafter as is practicable and feasible to the State Board of Education.

**431. Studies Required to be Taught in Elementary School.**—In every elementary school in the State there shall be taught reading, spelling and writing, arithmetic, oral and

written English, geography, history of the United States and Alabama, elementary science, hygiene and sanitation, physical training and such other studies as may be prescribed by the State Board of Education. English shall be the only language employed in teaching in the first six grades of the elementary schools in the State.

**432. Textbook Committee: Appointment Of.**—The State Board of Education shall, upon the recommendation of the State Superintendent of Education, appoint a Textbook Committee to consist of seven members, each of whom shall be a well known educator, engaged in public school work. The State Superintendent of Education shall be ex-officio chairman of said Textbook Committee. The Textbook Committee shall meet at the call of its chairman and organize by selecting one of the employees of the Department of Education to act as secretary of said Textbook Committee, who shall be charged with the duty of keeping an accurate record of all its proceedings. Before transacting any business, each member of the Textbook Committee and its secretary shall take an oath, before some person authorized to administer oaths, to discharge faithfully all the duties imposed upon him as a member or as secretary of said Textbook Committee, and that he has no interest, directly or indirectly, in any contract that may be made under this article; also that he will not reveal to anyone, except to the Textbook Purchasing Board, as provided by law, the findings, ratings and gradings of the Textbook Committee. The Textbook Committee provided for in this article shall maintain its organization for six years unless otherwise ordered by the State Board of Education.

**433. Proposals For Furnishing Textbooks.**—As soon as practicable, and not later than three days after its organization, the Textbook Committee shall advertise in such manner and for such length of time and at such places as may be deemed advisable that at a certain time and place sealed bids or proposals will be received from publishers of school textbooks for furnishing books to the public schools

in the State of Alabama, through such agencies or in such manner or by such method as may be provided under the terms of this article. The bids or proposals by said publishers shall be for furnishing books for a period of six years, unless otherwise ordered by the State Board of Education. Said bids shall state specifically and definitely the price at which the books shall be furnished, and shall be accompanied by specimen copies of each and every book proposed to be furnished. The Textbook Purchasing Board shall advise the Textbook Committee the various methods it will probably adopt for the distribution of textbooks in the State of Alabama, and each bid shall specifically state the particular price the book will be furnished under each alternative method which the Textbook Purchasing Board reserves the right to use in the distribution of textbooks.

**434. Deposit Must Accompany Bid: Opening of Bids.—**Each publisher who makes a bid or proposal to furnish school textbooks shall be required to deposit with the Treasurer of the State a sum of money such as the State Board of Education shall require, but not less than five hundred dollars, nor more than two thousand, five hundred dollars, according to the number of books such bidder proposes to supply, which sum or deposit shall be forfeited absolutely to the State Board of Education for the use of the textbook fund hereinafter provided if the bidder making the deposit shall fail or refuse to make and execute such contract and bond as the State Textbook Purchasing Board may require. The time within which said contract and bond shall be executed shall be stated in the advertisement inviting bids or proposals. All bids shall be sealed and deposited with the Secretary of State, to be delivered by him to the Textbook Purchasing Board when requested to do so by the Governor. All such bids shall be opened in the presence of the State Textbook Purchasing Board.

**435. Grading and Rating of Text-Books.—**The Textbook Committee shall consider the merit of each textbook, taking into consideration the subject matter, printing, binding ma-

terial and mechanical makeup, and shall grade or rate each such book according to its merits, suitability and desirability. The grading or rating of such textbooks shall be both as a whole and separately as to each matter the Textbook Committee is required to consider. The grading or rating of such books shall be in executive session, and the findings of the Textbook Committee shall not be revealed to anyone except to the Textbook Purchasing Board, as provided by law. It shall be a misdemeanor for any member of said Textbook Committee or the secretary thereof, or for any other person, to disclose said ratings and gradings to anyone except to the Textbook Purchasing Board, until after the contracts are made. Anyone found guilty of disclosing said ratings and gradings shall be fined not exceeding five hundred dollars and also may be imprisoned or sentenced to hard labor for a term not exceeding six months.

**436. Report of Textbook Committee.**—The Textbook Committee shall report to the Textbook Purchasing Board the three most meritorious and desirable books for each subject, and may make a report as to any number of books if it deems such a report would be beneficial to the Textbook Purchasing Board. Such report may include, in addition to the grading and rating of the books, as hereinbefore provided, any information or expression of opinion which would aid or benefit the Textbook Purchasing Board in the discharge of its duty. If there be a difference of opinion among the members of the Textbook Committee as to the merits of a book, any member of the Committee may file as a part of said report his individual opinion as to the merits of that book. No book shall be selected as suitable and desirable by the Textbook Committee which contains anything of a partisan character.

**437. Textbook Purchasing Board: How Constituted: Books May Be Adopted By.**—The Governor, the State Superintendent of Education and the President of the State Board of Administration shall constitute the Textbook Purchasing Board. The Governor shall be chairman and the State Su-



perintendent of Education the secretary of said Board. It shall be the duty of the Textbook Purchasing Board to select a uniform series of textbooks for use in the public schools of the State for a period of six years unless otherwise directed by the State Board of Education. No book shall be adopted by the Textbook Purchasing Board which has not been rated as suitable or desirable by the Textbook Committee. It shall be unlawful for any school official, director or teacher to use any book upon the same branches other than those adopted to the exclusion of the regularly adopted books.

438. **Procedure By Textbook Purchasing Board.**—As soon as practicable after the Textbook Purchasing Board has received the report of the Textbook Committee it shall notify all publishers whose books have been determined to be suitable by the Textbook Committee that the Textbook Purchasing Board will, at a certain time and place, negotiate with the publishers for the furnishing of textbooks for the public schools of the State. The Textbook Purchasing Board shall have full power to provide for textbooks for the public schools of the State, to adopt any book which has been determined as suitable and desirable by the Textbook Committee as a uniform textbook for use in the public schools of the State, and to contract with the publisher for such books. The Textbook Purchasing Board shall not advise the publisher the rating or grading as to suitability and desirability given the books by the Textbook Committee. After the Textbook Purchasing Board has examined the bids and proposals of the publishers, it may negotiate with the publishers in the event it considers the price at which the book is offered too high, for the purpose of ascertaining whether or not a more reasonable price can be secured.

439. **Contracts For Furnishing Textbooks.**—The Textbook Purchasing Board shall enter into contracts for the furnishing of said textbooks upon such terms as said Board deems to the best interest of the patrons of the public schools. When the contract is executed, the publisher shall enter into a bond in such sum as may be designated by the Textbook

Purchasing Board, conditioned upon the faithful, honest performance of the contract. Said bond shall also provide for the payment of attorney's fee in case of recovery in any suit on same. The Textbook Purchasing Board shall prescribe a minimum amount which shall be recovered on such bond for each breach thereof as liquidated damages, and such amount shall be written into said contract as the minimum amount which may be recovered as liquidated damages in case of each breach thereof.

440. **When Cash Deposit Forfeited.**—Should any person, firm or corporation fail or refuse to execute the contract and submit therewith his bond as required by law within thirty days after the awarding of the contract, the cash deposit will be deemed forfeited to the State of Alabama and the Treasurer shall place such deposit in the State Treasury to the credit of the Textbook Fund. The mailing of a registered letter announcing the awarding of the contract shall be prima facie evidence that the notice was given and received. When any person, firm or corporation shall have executed the contract and submitted his bond within the time required by law, the Textbook Purchasing Board shall advise the Treasurer of the State in writing of such fact, and the Treasurer shall return to the publisher the cash deposit made by him. The Textbook Purchasing Board shall also inform the Treasurer of the names of the unsuccessful bidders, and upon the receipt of such notice the Treasurer shall return to them the amount deposited in cash by them at the time of the submission of their bids.

441. **Specimen Copies of Books Retained.**—Both the President of the State Board of Administration and the Superintendent of Education shall preserve in their offices the specimens or sample copies of all books which have been made the basis of any contract as the standard quality and excellence to be maintained in such books. The President of the State Board of Administration shall also retain and preserve in his office the original bid or proposal and the contract and bond executed for the furnishing of said books. Each

County Superintendent of Education shall be furnished like specimens or sample copies of said books which shall be preserved by him and which shall always be open to inspection by the public. Books furnished under each and every contract shall at all times during the existence of the contract be equal in all respects to the specimen or sample copies furnished with the bids or proposals.

**442. Special Text Books.**—It shall be the duty of the State Superintendent of Education to negotiate with publishers of textbooks or authors of textbooks for the preparation and publication, or either, of special textbooks for use in the public schools of the State. In the event anyone undertakes the preparation of a special textbook for the purpose of making the same more suitable and desirable for use in the public schools of the State, the State Superintendent of Education shall cause to be submitted such specially prepared textbook or such specially arranged textbook to the State Textbook Committee for its findings and rating as to its desirability and suitability for the purposes offered, and if approved by the Textbook Committee same shall be certified to the State Textbook Purchasing Board for its consideration.

**443. When Superintendent Required to Negotiate For Special Texts.**—In the event the Textbook Purchasing Board is unable to obtain what it considers a desirable contract for a textbook on any particular subject with publishers whose books have been given approval by the Textbook Committee, the Textbook Purchasing Board may require the State Superintendent of Education to negotiate with publishers or persons to secure the preparation of a textbook on such subject, or to secure the submission of other texts on such subjects for consideration by the Textbook Committee. The Textbook Purchasing Board may take such other action as it may deem proper to secure an advantageous contract in behalf of the patrons of the public schools of the State, provided that no book shall be adopted by said Purchasing Board unless the same has been found suitable and desirable for the purposes for which it was intended to be used by the Textbook Committee.

**444. Distribution By State Board of Administration.—**

It shall be the duty of the State Board of Administration to provide for the distribution of textbooks in the State of Alabama by such method and in such manner as shall be approved by the Textbook Purchasing Board. The Textbook Purchasing Board shall have the power and authority to purchase textbooks for the public schools of the State; or the Textbook Purchasing Board may contract for consignment of said books by the publishers to the State to be distributed and sold to the patrons of the public schools by such methods and in such manner as the Textbook Purchasing Board deems to the best interest of the patrons of the public schools. The Textbook Purchasing Board shall also have the power and authority to contract with the publishers for the sale and distribution of textbooks to the patrons of the public schools or may set up from time to time any other regulation or method which the Textbook Purchasing Board considers will secure the prompt distribution of books at the lowest price to the patrons of the public schools of the State. Provided, however, that no books shall be shipped to the State on consignment except on requisition or order of the State Board of Administration.

**445. Ordering and Shipping of Text Books.—**After the Textbook Purchasing Board has approved the general plan or method of handling and distributing textbooks, it shall be the duty of the State Board of Administration to carry into effect such plan. The State Board of Administration shall have full control and direction of ordering, shipping and collecting the purchase price of the textbooks, if the same are handled by purchase by the State or by a consignment to the State for distribution. The State Board of Administration shall have full power and authority to contract with individuals, corporations, County Boards of Education and City Boards of Education for the handling and distributing of textbooks to the patrons of public schools. Provided, however, that no books shall be shipped to the State on consignment except on requisition or order of the State Board of Administration.



**446. Sale, Resale, Rental and Other Method of Handling Books.**—The Textbook Purchasing Board may, from time to time, establish or establish and operate such system or systems of distribution and the terms and conditions of the sale, resale, rental or other method of furnishing textbooks, and it shall have full authority to promulgate rules and regulations governing the same. The Textbook Purchasing Board shall have the authority to require the return of any book to expense of securing which the State contributed, upon such terms and conditions as the Textbook Purchasing Board determines, and the acceptance of such State aid shall be an acceptance of the terms or conditions prescribed by the Textbook Purchasing Board, which terms or conditions shall be printed in the book or printed and pasted in the back of each textbook subject to such terms or conditions. School patrons shall have the right to pay the purchase price of a textbook without accepting such State aid and thereby secure an unconditional title to such book.

**447. Appropriation to Aid in Distribution of Books.**—There is hereby appropriated out of the funds in the Treasury not otherwise appropriated the sum of one hundred and fifty thousand dollars, to be used as a revolving fund for the securing and distribution of textbooks in the event the same are handled by the State Board of Administration. Said appropriation shall be paid out upon the warrant of the State Auditor, issued upon the requisition of the President of the State Board of Administration, approved by the Governor. Said fund shall be reimbursed from time to time upon the sale of the textbooks for the securing and distribution of which payments are made from said appropriation. The Textbook Purchasing Board, with the approval of the Governor, shall prescribe the maximum price which shall be paid by the patrons of the public schools for each textbook. Such prices shall only be sufficient to reimburse the State for its expenditure in purchasing, handling, distributing, insuring and other expenses properly incurred in the handling of the books, and the amount added to the purchase price to reimburse the State for handling, distributing, insuring and other

expenditure shall not exceed five per centum of the price at which the State receives the book from the publisher, either on consignment or by purchase; provided further that as a profit or commission for the handling of the books by the local book agent, by the County Board of Education or the City Board of Education, as the case may be, not more than ten per centum of the price at which the State contracts for the books with the publisher, either on consignment or by purchase, may be allowed for such local distribution of books. The Textbook Purchasing Board shall prescribe in the contract with the publisher, or arrange with the State Board of Administration for the printing or stamping in or upon each book the maximum price which shall be charged for such textbook, and where such textbook is sold in any City or County at a lower price than the maximum price provided, by reason of a contribution to the purchase price by the City Board of Education or by the County Board of Education, and by the State out of the Textbook Fund hereinafter provided, then in such event the Textbook Purchasing Board, or the State Board of Administration, under its supervision, shall provide for the printing or stamping in or upon each such book the maximum price which shall be charged in such City or County.

**448. County and City Boards May Distribute Books.—**Each County Board of Education shall have the authority to provide, by agreement with the State Board of Administration, for the distribution of textbooks within said County, provided the County will undertake and guarantee to distribute such textbooks to the patrons of the public schools at a lower price than the State Board of Administration can furnish or arrange to furnish such books. Each Board of Education of a City or Municipality shall have the authority to provide, by agreement with the State Board of Administration, for the distribution of textbooks within such Municipality, provided such Municipality will arrange and guarantee to furnish such textbooks to the patrons of the public schools at a lower price than the State Board of Administration or the County Board of Education can furnish or

arrange to furnish said textbooks. In the event any County Board of Education or City Board of Education undertakes to provide for the distribution of textbooks, such Board shall deposit with the Treasurer of the State such amount as shall be prescribed by the State Board of Administration to secure payment to the State for books secured from the State.

**449. County and City May Make Appropriation For Distribution of Books.**—The County Boards of Education, the City Boards of Education, Courts of County Commissioners, and other like governing bodies of Counties, and Municipal Councils or other governing boards of a Municipality, shall have the power and authority to appropriate funds for the purpose of creating a revolving fund to be used in securing and distributing textbooks, and also for the purpose of contributing to the expense of furnishing textbooks. The revolving fund permitted by this section shall be reimbursed from monies received from sales of textbooks.

**450. Method of Securing State Aid in Distribution of Books.**—Whenever any County Board of Education or Board of Education of any Municipality proposes to assist in the expense of furnishing textbooks to the patrons of the public schools, the County Board of Education or Board of Education of a Municipality shall apply to the State Board of Administration for State aid in the defraying of such expense upon the following conditions: There shall be deposited in the State Treasury sufficient funds, the amount to be determined by the State Board of Administration, to defray at least ten per centum of the cost of the textbooks which it is estimated will be used in the elementary schools of said County or Municipality. Upon such deposit the State of Alabama shall credit from the appropriation hereinafter made for that purpose a sum equal to ten per centum of the estimated cost of securing and distributing said textbooks to the patrons of the public schools of said County or Municipality. The Textbooks Purchasing Board shall have full authority and power to promulgate such rules and regulations as it deems necessary or advisable to properly carry into effect the intent and purpose of this section, and it shall be necessary

for the said County or Municipality to comply with said rules and regulations to be entitled to the benefits of the State appropriation made to assist in defraying expenses of furnishing textbooks to the patrons of the public schools. A failure of said County or Municipality to strictly abide by said rules and regulations shall forfeit to the State the funds deposited by said County or Municipality, and empower the State Board of Administration to take full control and charge of the distribution of textbooks within said County or Municipality.

**451. Appropriation to Aid in Purchasing Books.**—There is hereby appropriated by the State of Alabama out of monies in the Treasury not otherwise appropriated the sum of one hundred and fifty thousand dollars annually for the purpose of matching funds as hereinbefore provided deposited to assist in the defraying of the expenses of securing and distributing textbooks to the patrons of the public schools. The monies hereby appropriated shall be known as the School Textbook Fund.

**452. County and City May Assist in Purchasing Books.**—County Boards of Education, City Boards of Education, the Courts of County Commissioners, and other like governing bodies of the Counties or Municipalities, shall have power and authority to appropriate funds for the purpose of purchasing textbooks for free distribution or for rental to the patrons of its public schools under such rules and regulations as shall be prescribed by the respective County Boards of Education or City Boards of Education.

**453. County and City Advised When to Apply For Right To Distribute Books.**—As soon as practicable after the adoption of a uniform series of textbooks, the State Board of Administration shall advise the County Superintendents of Education, City Superintendents of Schools, and other interested parties, that the State Board of Administration is willing to negotiate with the Counties and Municipalities relative to the distribution of textbooks, that the authorities have an opportunity of taking charge of the distribution of textbooks and



of obtaining State aid in defraying the expense of securing and distributing textbooks. As soon as practicable after arrangements have been made for the distribution of textbooks, the State Superintendent of Education shall issue a bulletin to all parties interested containing a list of books adopted, the maximum price at which the book is to be sold in each locality and the agencies handling the distribution of textbooks, and such other information as he may deem necessary.

**454. Free School Provided Before Funds Available For Books.**—No County Board of Education and no Board of Education of any Municipality shall have authority to use any public school funds for the purpose of assisting in defraying the expenses of securing and distributing textbooks until sufficient public funds have been provided for the maintenance of a free public school for not less than seven months.

**455. Compensation of Textbook Committee.**—The members of the Textbook Committee shall be paid the sum of ten dollars per day during the time they are engaged in such work, and in addition shall receive ten cents per mile for each mile traveled from their homes to the place of meeting and return, to be paid out of the revolving fund appropriated for the use of the State Board of Education. Such expenses shall be allowed for each meeting it is necessary to hold. Each member of the committee, before receiving funds for salary or expenses, shall make and swear to a statement of the number of miles traveled and the number of days engaged. When it becomes necessary to pay out any funds in accordance with the provisions of this section, the State Superintendent of Education shall make requisition upon the State Auditor, who shall draw his warrant upon the State Treasurer for the amount for which requisition is made.

**456. Forfeiture of Text Book Contract: Book May Be Dropped.**—In the case of the failure of any contractor to furnish the books as provided in his contract, his bond shall stand forfeited and the Textbook Purchasing Board, upon the recommendation of the Textbook Committee may make such other contract for the unexpired term with some other per-

son or company to provide such books as may be necessary to take the place of those included in the contract breached. No textbook, however, shall be contracted for which has not been rated as suitable or desirable by the Textbook Committee. The State Board of Education shall have power by three-fourths vote to drop any textbook at the end of any school year while the contract is in force, and the Textbook Purchasing Board, upon the recommendation of the Textbook Committee, may make another adoption in lieu thereof.

**457. Books Furnished By City: When City May Use Other Books.**—In the event any Municipality or County furnishes free textbooks, the State Board of Administration shall arrange to have supplied such textbooks in a manner that will be the least expense to said Municipality or County; provided that in Cities of a population of forty thousand or more inhabitants according to the last or any succeeding Federal census that furnish free textbooks, the Board of Education, upon the recommendation of the City Superintendent of Schools, and the approval of the State Board of Education, may use books other than those prescribed by the State Textbook Purchasing Board; and provided further that in other Cities having a City Board of Education, the Board of Education, upon the recommendation of the City Superintendent of Schools, and the approval of the State Board of Education, may substitute in their list of high school books texts other than those prescribed by the State Textbook Purchasing Board.

**458. Convict Labor Available to Distribute Books.**—The State Board of Administration may utilize convict labor so far as practicable in handling the distribution of school books.

**459. Appropriation For Expenses of Committee.**—There is hereby appropriated out of funds in the State Treasury a sufficient amount to pay the per diem, traveling expenses, and all other expenses necessary to be incurred in the proper performance of the duty of the members of the Textbook Committee and of the members of the Course of Study Committee,

and employees of such Committees. Payments from this appropriation shall be made upon requisition of the State Superintendent of Education approved by the Governor.

## ARTICLE XXIV.

### High Schools.—Sections 460-468.

460. **Administration of High School Affairs.**—In the establishment and operation of high schools, matters relating to the minimum standards prescribed by the State Board of Education on the courses of study, organization, instruction, qualifications of principals and teachers, building and equipment, and of sanitary conditions, shall be administered through the professional assistants in the State Department of Education, directed by the State Superintendent of Education. Manuals of instruction, bulletins setting out programs of study, rules and regulations, and other matters relating to secondary education shall be printed from time to time by the State Board of Education. The requirements for accreditation of high schools and the list of approved institutions shall be submitted to, and approved and printed by the State Board of Education on the recommendation of the State Superintendent of Education, and supplied in sufficient quantities to meet the needs of high school principals, County and City Superintendents, and the institutions that have graduation from an accredited high school as a prerequisite for entrance.

461. **High School System.**—County High Schools which have been or may hereafter be established in accordance with provisions of law, and all other high schools which have been or may hereafter be established by County Boards of Education shall constitute a system of high schools for the County. Such high school system shall make provision for the secondary education of all children of the County residing in the territory under the control of the County Board of Education; provided that by agreement between County Boards of Education and City Boards of Education high schools located in

Cities or Towns of twenty-five hundred or more inhabitants according to the last or any succeeding Federal census may be utilized as a part of the high school system of the County, the financial support, administration and supervision of such high schools to be determined by the Boards of Education involved; and provided further that in order that the most satisfactory and economic plan of administration may be secured County High Schools may, at the discretion of the County Board, be designated as a unit in the high school system of the County, with a defined territory or district for patronage, in just the same manner as other public schools under the supervision of County Boards of Education. Boards of Education in Cities having a City Board of Education shall provide a system of high school education which shall meet the minimum standards for high schools authorized and prescribed by the State Board of Education, provided that any Town or City Board of Education may co-operate with the County Board of Education in the establishment, support and maintenance of a County system of high schools which shall include the said Town or City.

**462. Custodian of High School Funds.**—All funds and appropriations which are now available or may hereafter be made available in accordance with provisions of law for the support of high schools, including County High Schools, under the control of the County Boards of Education shall be paid over to the County Treasurer of School Funds and handled in the same manner as other funds which come into his possession as such officer and under such regulations as may be prescribed by the State Board of Education. Payments shall be made for any purpose in the manner provided by the rules and regulations governing the handling of pay-rolls and accounts of County Boards of Education.

**463. Conditions For Location of County High School.**—

The State Board of Education shall have authority to locate one County High School in each of the Counties of the State, which shall comply with the minimum requirements prescribed by said Board. As a condition for making application for the location of a County High School, there shall



be tendered the State a suitable site which shall consist of not less than five acres of land, a title to the surface of which shall be in fee simple, and there shall be executed an agreement to erect thereon a building suitable for high school purposes in accordance with plans and specifications furnished or approved by the State Board of Education, together with all necessary equipment, the cost of said building and equipment to be not less than thirty thousand dollars. Upon the satisfactory erection and equipment of the building and the execution of the deed conveying to the State of Alabama said land, building and equipment, there shall be available out of the State Treasury for such County for use in the operation of this school the sum of three thousand dollars for each fiscal year, and an additional sum of fifteen hundred dollars for each fiscal year, conditioned upon the making available for the school fifteen hundred dollars to match the conditional appropriation herein provided, and provided that fees may not be used to match said conditional appropriation. The appropriations herein provided shall be available for each County High School heretofore or hereafter established, provided that the County Board of Education, the Board of Revenue or the Board of County Commissioners, or the City Board of Education or the City Council or Commission where such high school is located may make appropriations for the establishment, maintenance and support of the County High School and for meeting the conditions set out in this section, and the County Board of Education may utilize for the establishment, maintenance and support of any high school, including the County High School, under its control funds made available from incorporated Towns or Cities, special school districts, private donations and benefactions, or from any other fund, the expenditure of which is not otherwise expressly limited by law. Except as otherwise provided by law, Town or City Boards of Education shall have authority to expend any available funds for the establishment, support and maintenance of a high school, or high schools, including County High Schools. Counties may issue bonds as now provided by law for the construction of public

school buildings and make appropriations for their support and maintenance.

**464. Elementary and High School May Be Placed Under Same Principal.**—Subject to the rules and regulations of the State Board of Education, where economy of organization and administration seems to justify it, County Boards of Education may place the elementary, junior and senior high schools of any district or districts, including County High Schools, under one and the same principal, or may use any other plan of organization approved by the County Board of Education.

**465. Discontinuance and Relocation of High School.**—The State Board of Education, when in its opinion the operation of any County High School involves a prohibitive per pupil cost, or when the County Board of Education recommends it, shall have authority to discontinue any County High School and may make such disposition of the property as in the opinion of the State Board of Education will promote the educational interests of the County, and the State Board of Education shall have power to locate another high school in the County in which the County High School has been discontinued, upon the fulfillment of conditions heretofore prescribed in this article. After the discontinuance of any County High School as herein provided the appropriations which have been made available out of the State Treasury for the maintenance and support of such high school may if the County Board of Education elect be made a part of the general funds accruing to the County, but in order that a County may continue to be eligible to receive these appropriations the County Board of Education shall maintain a system of secondary schools approved by the State Board of Education.

**466. Payment of High School Funds.**—The funds for County High Schools as now provided for by State appropriations shall be paid out upon requisition of the County Treasurer of School Funds in the same manner as is now provided for the public school fund. The budgetary statement for the current operation of the County High School showing

expenditures aggregating six thousand dollars or more for teachers' salaries shall be authority for the State Superintendent of Education to release the annual conditional appropriation of fifteen hundred dollars and requisitions for the County High School appropriations may then be drawn to include the conditional as well as the regular appropriations.

467. **Matriculation Fee May Be Charged.**—A matriculation fee may be collected for each semester from all pupils in accredited high schools, including County High Schools, the amount of such fee to be determined by the County Board of Education or the City Board of Education as the case may be, and the proceeds of such fees shall be expended under the direction of the County Board of Education or the City Board of Education as the case may be. A reasonable fee for library, laboratory and shop work may be required, the amount of such fee to be determined by the County Board of Education or the City Board of Education as the case may be.

468. **Appropriation For High Schools.**—There is hereby appropriated annually out of any monies in the State Treasury not otherwise appropriated, the sum of two hundred and ten thousand dollars to meet the regular annual appropriation of three thousand dollars to each County High School, and there is hereby appropriated annually the sum of one hundred five thousand dollars to meet the conditional appropriation of fifteen hundred dollars to each County High School, these appropriations to be expended as provided for in this article. The State Board of Education may use annually so much of the above appropriations as may be deemed necessary for the proper supervision and inspection of the high schools of the State as provided for under the provisions of this article.

## ARTICLE XXV.

**State Secondary Agricultural Schools.**—Sections 469-473.

469. **State Secondary Agricultural Schools.**—The names of the eleven branch agricultural schools and experiment sta-

tions, located at Jackson, Clarke County; at Evergreen, Conecuh County; at Abbeville, Henry County; at Sylacauga, Talladega County; at Wetumpka, Elmore County; at Hamilton, Marion County; at Albertville, Marshall County; at Athens, Limestone County; at Blountsville, Blount County; at Lineville, Clay County; at Cuba, Sumter County are hereby designated and shall be known as State Secondary Agricultural Schools.

**470. Appropriation For State Secondary Agricultural Schools.**—There is appropriated out of any money in the State Treasury not otherwise appropriated for each of the eleven schools mentioned above, to be paid in equal installments on October first, January first, April first, and July first, the sum of seven thousand five hundred dollars annually for each State Secondary Agricultural School beginning with the fiscal year October 1, 1920, as provided by law.

**471. Payment of Appropriation.**—All appropriations made under this article shall be paid upon requisition of the State Superintendent of Education upon the State Auditor who shall draw his warrant upon the State Treasurer in favor of the secretary-treasurer of the State Secondary Agricultural Schools for the amount for which requisition is made.

**472. State Board of Education in Control.**—The State Board of Education, upon the recommendation of the State Superintendent of Education, shall prescribe rules and regulations for the government and control of the school, arrange the course of study, placing the major emphasis on agriculture and home economics, and select the principals, teachers and all other employees.

**473. County and City May Aid State Secondary Agricultural School.**—The City and City Board of Education in or adjacent to which such school is situated and the County Board of Revenue or Court of County Commissioners of a County may make appropriations toward the establishment, support and maintenance of such institution.



## ARTICLE XXVI.

## State Normal Schools.—Sections 474-480.

474. **Control of State Normal Schools.**—The State Board of Education shall have the control and management of the several normal schools or teachers' colleges of the State, for white teachers, located at Florence, Jacksonville, Livingston, Troy and Daphne, and of the State Normal School for Colored Teachers, located at Montgomery.

475. **Faculty of Normal School, How Selected.**—The State Board of Education, upon the recommendation of the State Superintendent of Education, shall make rules and regulations for the government of the schools and shall elect the president of each of the several schools, and upon such president's recommendations the members of the faculties, and shall fix the tenure and salary of each.

476. **Extension Work.**—The State Board of Education, upon the recommendation of the State Superintendent of Education, shall prescribe the courses of study to be offered and the extension work to be done by the several normal schools or teachers' colleges and the conditions for granting certificates, diplomas and degrees.

477. **Expenditure of Appropriation.**—The State Board of Education is charged with the responsibility of directing the expenditure of the annual legislative appropriations for the support and maintenance of the State Normal School for white teachers located at Florence, Jacksonville, Livingston, Troy and Daphne, and of the State Normal School for colored teachers located at Montgomery. The State Board of Education is further charged with the responsibility of expending all special appropriations made to any or all of the above institutions, and of seeing that the conditions prescribed in the Acts making the appropriations are fully complied with.

478. **Payment of Appropriation.**—All funds appropriated to the normal schools shall be paid upon requisition of the State Superintendent of Education upon the State Auditor

who shall draw his warrant on the State Treasurer in favor of the treasurer of the school for the amount for which requisition is made.

479. **Appropriation For White Normal Schools.**—For the support and maintenance of the State Normal Schools for white teachers located at Florence, Jacksonville, Livingston and Troy, to each of said schools the sum of forty thousand dollars is appropriated for each school for each and every year. For the maintenance and support of the State Normal School for white teachers located at Daphne there is appropriated the sum of fourteen thousand dollars for each and every year.

480. **Appropriation For Normal School For Colored.**—For the support and maintenance of the State Normal School for colored teachers located at Montgomery there is appropriated the sum of twenty thousand dollars annually for each and every year.

## ARTICLE XXVII.

### Alabama School of Trades.—Sections 481-493.

481. **Location of Alabama School of Trades.**—The school heretofore established at Ragland, Alabama, as the "Alabama School of Trades and Industries" and which was changed as to location from Ragland, Alabama, to Gadsden, Alabama, under the provision of an Act approved September 29, 1923, is and shall remain a body corporate under the corporate name of "Alabama School of Trades." The removal of said school to Gadsden, Alabama, is hereby confirmed.

482. **Corporate Powers of Alabama School of Trades.**—The Alabama School of Trades as a corporation shall have and exercise all the powers of a corporation established as a State Educational Institution for the education and training of white boys and white young men in all the useful and industrial occupations and in the arts and sciences, and to enable the students of the institution to acquire education and

training by employing a part or portion of their time, if necessary, while in school to pay all or part of their board, lodging and tuition.

483. **Corporate Seal.**—The Alabama School of Trades shall have the right to have and use a corporate seal, to sue and be sued in such corporate name in any of the courts of this State of competent jurisdiction, as in the cases of natural persons.

484. **Trustees.**—The Governor shall appoint five trustees to serve until September 30, 1930, after which the entire management and control of such school shall be vested in the State Board of Education, who shall constitute a board of control for the said school. All vacancies shall be filled by appointment by the Governor.

485. **Meeting of Trustees.**—The trustees shall meet in the Town of Gadsden at such time as they may appoint, and organize themselves into a board of control for said school by electing one of their members chairman and a secretary and treasurer, and such other officers as they think necessary. A majority shall constitute a quorum of such board for the transaction of business. The secretary and treasurer may be some one other than a trustee and the State Superintendent of Education and the Governor of the State of Alabama are ex-officio members of the board of control.

486. **When Management Comes Under State Board of Education.**—After the Alabama School of Trades comes under the management and control of the State Board of Education there may be created an advisory council of not more than three members. The chairman of this council shall be Hon. Watt T. Brown, the founder of the school. The associate members of the council may be appointed by the Governor to serve at the pleasure of the State Board of Education. It shall be the duty of the council, under the supervision and control of the State Board of Education, to promote the interest of the school and to co-operate with all agencies for the development of trade and industrial education for the youth of Alabama.

**487. Donations May Be Accepted.**—The Board of Control may receive and accept for the use and benefit of such school all gifts, donations, devises and bequests of any and all money and real and personal property necessary and useful in carrying into effect the object and purpose of this article, and in the name of such corporation may sell and dispose of such property which, in the judgment of such Board may aid in carrying into effect the object of this Code, and the building up and sustaining of such school.

**488. Training of Students.**—The persons attending such school shall be taught and thoroughly trained in the useful occupations, arts and sciences with the concurrence and approval of such Board.

**489. Rules and Regulations For Control of School.**—The Board of Control aforesaid may make and adopt all laws, rules and regulations not inconsistent with the laws of this State which may be necessary for the management, control and conduct of such school, and the business connected therewith.

**490. When Appropriation Paid.**—The annual legislative appropriation for the maintenance and support of the said school of ten thousand dollars shall be paid in quarterly installments on October first, January first, April first, July first, upon requisition of the State Superintendent of Education upon the State Auditor who shall draw his warrant in favor of the treasurer of the school for the amount to which the school is entitled.

**491. Records Must Be Preserved.**—The said Board of Control shall be required to keep in a well bound book or books a full and complete record of all of the acts and doings under the provisions of this article, which record or records shall at all times in seasonable hours be open to the public inspection for any and all persons interested in the same or in the school. The Governor may at pleasure direct the State Examiner of Public Accounts to inspect and report on all money expended by such Board under this article.



492. **Course of Study.**—The State Superintendent of Education, with the Board of Control of said school, shall prepare a course of study to be pursued in said school in keeping with the intents and purposes of this article.

493. **Donations Not Refunded.**—All monies donated for the use of the Alabama School of Trades by persons residing in St. Clair County, Alabama, which such persons were entitled to have refunded because of the changing of the location of said school from Ragland, Alabama, to Gadsden, Alabama, which has not been refunded, and for the refund of which such persons have not applied, shall be the absolute property of the Alabama School of Trades.

## ARTICLE XXVIII.

### **Agricultural and Mechanical Institute for Negroes.— Sections 494-499.**

494. **Control of Agricultural and Mechanical Institute For Negroes.**—The Agricultural and Mechanical Institute for Negroes at Huntsville, Alabama, formerly known as The Huntsville Normal and Industrial School, shall be under the direction and control of the State Board of Education.

495. **Rules and Regulations For Control of School.**—The State Board of Education shall make rules and regulations for the government of the school, and shall select the president and all members of the faculty, and shall fix the amount of salary and the term of service of each employee.

496. **Division of Federal Fund Available From Morrill Act.**—The division of the fund to be received from the Federal government under the so-called Morrill Act between one college for white students and one institution for colored students, shall be based from year to year upon the ratio of the number of each race of legal school age to the total population of school age in the State of Alabama, as shown by the State School Census next preceding the annual payment of the fund by the United States Treasury.

497. **Federal Fund Allotted.**—The portion of the grant of money received by the State of Alabama under the Acts of Congress approved July 2, 1862, August 30, 1890, and March 4, 1907, and set apart in the preceding section for the education of white students is appropriated to the Alabama Polytechnic Institute at Auburn, and that portion of the said grant herein set apart for the education of colored students is appropriated to the Agricultural and Mechanical Institute for Negroes at Normal.

498. **Payment of Appropriation to School.**—All appropriations to the said Agricultural and Mechanical Institute for Negroes shall be paid out upon requisition of the State Superintendent of Education upon the State Auditor who shall draw his warrant upon the State Treasurer in favor of the treasurer of the school for the amount for which requisition is made.

499. **Appropriation For School.**—For the Agricultural and Mechanical Institute for Negroes there is appropriated the sum of fifteen thousand dollars annually, to be paid in quarterly installments on October first, January first, April first, and July first.

## ARTICLE XXIX.

### Alabama College.—Sections 500-520.

500. **Alabama College Established.**—The school heretofore established at Montevallo as the "Alabama Girls' Industrial School" later known as and called "The Alabama Girl's Technical Institute" and still later known as and called "The Alabama Technical Institute and College for Women" is and shall remain a body corporate under the corporate name of "Alabama College," and by that name may sue and contract, acquire and hold real and personal property, and have and exercise all the powers of a corporation established to carry on a State educational institution of higher learning and shall succeed to all the rights, privileges, emoluments, benefits, interests, and titles heretofore at any time vested in said

"Alabama Girls' Industrial School" "The Alabama Girls' Technical Institute," and "Alabama Technical Institute and College for Women," respectively.

Alabama College agency of the state, Alabama Industrial School vs. Reynolds, 143 Ala. 579 (42 So. 114).

**501. Trustees: Appointment: Terms: Eligibility.**—The Alabama College shall be governed by a Board of Trustees composed of the Governor, who shall be president, ex-officio, the Superintendent of Education, ex-officio, one trustee from each Congressional District, and, until as otherwise herein provided, two trustees from the State-at-large. Five members of the Board shall constitute a quorum. The terms of office of the Trustees now in office are hereby extended to the third Monday in January of the years in which under the law heretofore in force, they expire, respectively, and until their successors are appointed and qualified respectively. Said Trustees shall be arranged in three groups. Those for the First, Fourth, Seventh, and Tenth Congressional Districts shall be group 1; those for the Second, Fifth, and Eighth Congressional Districts and one for the State-at-large to be designated by the Governor, shall be group 2; those for the Third, Sixth, and Ninth Congressional Districts, and the remaining one for the State-at-large, shall be group 3. Successors to those Trustees in group 1, when their terms, expire, shall be appointed for a term to end on the third Monday in January, 1931, and thereafter for a term of twelve years. Successors to those Trustees in Group 2, when their terms expire, shall be appointed for a term to end on the third Monday in January, 1935, and thereafter for a term of twelve years. Successors to those Trustees in group 3, when their terms expire, shall be appointed for a term to end on the third Monday in January, 1939, and thereafter for a term of twelve years. In case of the creation and establishment of an Eleventh Congressional District in the State, the Trustee in group 2 from the State-at-large shall automatically cease to be a Trustee from the State-at-large and become for the remainder of his term Trustee for such Eleventh District and there shall remain but one Trustee from the State-at-large; and,

if an additional Twelfth Congressional District be created and established, such remaining Trustee from the State-at-large, in group 3, shall automatically become a Trustee for such Twelfth District, and there shall be no Trustee for the State at large, it being deemed inadvisable, in any event to increase the numerical force of the Board. No vacancy of the office of a Trustee shall be occasioned by the creation of new districts or change of district lines, except as hereinbefore provided for the elimination of the State-at-large Trustees; but all new appointees, except for the State-at-large, shall be, at the time of their appointment, residents of the district for which they are appointed, respectively. A vacancy in the office of Trustees shall be occasioned by the change of residence of a Trustee from the district from which he was appointed. All appointments of Trustees shall be made by the Governor with the advice and consent of the Senate. In case of a vacancy in the office of Trustee, the Governor shall appoint a successor, who shall hold office till the next meeting of the Legislature, when the Governor by and with the advice and consent of the Senate, shall appoint a Trustee, who shall hold office for the unexpired term. A Trustee shall be ineligible to be elected by the Board of Trustees to any office pertaining to this institution. The Trustees are entitled to receive payment of their actual expenses incurred in the discharge of their duties as such Trustees.

502. **Purpose of Alabama College.**—The institute is established for the purpose of giving therein instruction in the liberal arts and sciences and in technical subjects suitable for women, and to this end the following academic and technical departments are established: 1. English, literature, expression; 2. mathematics, and astronomy; 3. history and political economy; 4. education, psychology, sociology; 5. ancient languages; 6. modern languages; 7. chemistry, physics, geology; 8. biology, bacteriology, zoology; 9. physiology, sanitation; 10. agriculture, dairying, floriculture, horticulture; 11. art, painting, manual training; 12. home economics; 13. vocal and instrumental music; 14. commercial branches,—stenography, bookkeeping, typewriting, telegraphy. Other depart-



ments or subjects may be well established from time to time by the trustees upon the recommendation of the president and faculty, that women may have the opportunity for general education and for special preparation for home making, extension service, teaching, and for becoming self-supporting in trades and industries and in the business world.

503. **Degrees and Diplomas May Be Granted.**—The Faculty, with the approval of the Trustees, may grant and confer diplomas, certificates or degrees upon such students as may be entitled thereto under the rules adopted by the Trustees, governing this subject.

504. **President: Election: Term of Office: Qualifications.**—The Trustees shall elect a President for a term to be fixed by them, who shall not be removed during the term for which he is elected, except for just cause, which shall be explicitly set forth in writing in the minutes of the proceedings of the Trustees and approved by a majority of all the Trustees. No person shall be eligible to the office of President unless he is a graduate of some college or university of well known high standing, an educator by profession, of good moral character and possessing good business and administrative qualifications. The Trustees shall fix the salary of the President before electing a person to the office, and shall not decrease the amount thereof during the term of office without the consent of the President.

505. **Faculty: Selection and Compensation Of.**—The President, with the advice and consent of the Trustees, shall appoint and fix the compensation for all professors, associate professors, and other necessary teachers and officers. The President, professors, and associate professors shall compose the Faculty of the institute.

506. **Secretary of Trustees and College.**—The Trustees of the institute shall elect a secretary, who shall hold office for the term and receive such compensation as may be fixed by the Trustees and shall perform such services as may be required of him.

**507. Treasurer: Selection: Qualifications: Bond.**—The Trustees shall elect a Treasurer, who shall not be a Trustee, who shall receive, hold, and pay out all monies belonging to the institute, or that may be paid in for the necessary expenses of any student in the institute or for her use and benefit, and the treasurer shall hold office for the term and receive such compensation as may be fixed by the Trustees. Before entering upon his duties, the Treasurer must give bond in such penalty as the Trustees may fix, payable to "Alabama College," with conditions that he will faithfully receive, safely keep, and lawfully pay out, and promptly, fully, and fairly account for all monies or choses in action which may come to him by virtue of his office, and the Trustees may require a new bond, or an additional bond, whenever they judge that the interest of the institute requires it.

**508. When Treasurer May Be Removed.**—Whenever the funds in the hands of the Treasurer, or funds about to be received by him, are in danger of being lost, the Trustees or President may remove the Treasurer from office and take from him all funds and choses in action belonging to the institute or any pupil therein, and may, in that event, appoint a temporary Custodian with bond or security to hold such funds.

**509. Records of Transactions Required.**—The Secretary, Treasurer, and all other officers, agents, or servants of the institute who are required to keep, use, or dispose of any property of the school, shall keep accounts of their transactions in books to be furnished them by the Trustees, which shall at all times be open to the inspection and examination of the President, the Trustees, or anyone appointed by the Trustees thereto, and any person withholding such book or books belonging to the institute from the inspection of any officer entitled to examine the same, shall be immediately removed from his office or employment by the President or Trustees.

**510. Who May Be Admitted to College.**—Any white girl or woman residing in Alabama, of good moral character,

in good health, and of sufficient physical and mental development, to be judged of by the President, who shall comply with all the requirements prescribed by the Trustees, may be admitted into the institute, and upon completing the course of study prescribed at the time of her admission, to the satisfaction of the Faculty, shall receive the certificate, diploma, or degree she may have earned. Whenever the accommodations of the institute are sufficient to admit more students than apply from Alabama, then students from other States or Countries may be received and instructed in the institute upon such terms and conditions as may be imposed by the President or Trustees.

**511. Property Exempt From Taxes: Employees Exempt From Road Duty.**—The property of the institute, of every kind and description, shall forever be exempt from all taxes, Municipal, County, or State, and from all local assessments. The President, teachers, officers, and employees are exempt from jury duty and from working the public roads or streets, and all employees are further exempt from the payment of Town licenses for their labor while working for this institution.

**512. Student Instructors.**—As far as may be practicable, students in the institute shall be employed in giving assistance in any department of work of the institute to enable them to obtain instruction therein, but students shall be employed only in cases and to the extent that they may be able to render efficient service without injury to themselves or to the institute.

**513. Grants and Rights Preserved.**—All rights of property and action which may have accrued to the institute before the adoption of this article are confirmed and preserved, and no grant or gift of any valuable thing or right shall fail by reason of a mistake in the name of this corporation or institute; provided the intention to grant or give to the institute may be derived from the words used in designating the beneficiary or grantee. All rights, powers and remedies granted in and by an Act to create and establish an industrial

school in the State of Alabama for white girls, approved February 21, 1893, and any Act amendatory thereof, are confirmed and preserved for the Alabama College.

**514. Lands May Be Purchased Or Condemned.**—Whenever the institute needs any land near the institute for any purpose of the institution, and the owner thereof is a minor or an insane person, or refuses to sell the land to the State for the use of institute, or will not agree with the Board of Trustees or the President on a price therefor, the Trustees shall have authority to institute in the Probate Court of Shelby County proceedings in the name of the State of Alabama, to condemn such land, which proceedings shall be conducted as nearly as may be possible in accordance with the provisions of sections 7476-7506 of the Alabama Code of 1923. It shall be the duty of the Trustees to pay out of the funds of the institute all costs of every condemnation proceeding instituted by them under the power hereby conferred.

**515. Annual Appropriation: How And When Paid.**—The annual legislative appropriation for the maintenance of the Alabama College shall be paid in quarterly installments on the first of October, January, April, and July of each fiscal year. The annual appropriation for the summer school shall be paid on the first of July in each fiscal year, and the appropriation for the erection of buildings and equipment, shall be paid as prescribed in the Act making the appropriation.

**516. Use of Lands Received By Federal Grant.**—The lands now owned by the institute, granted by the Congress of the United States to the State of Alabama for the use of this institution, shall only be leased or disposed of by the Board of Trustees, with the approval of the Governor, provided, the Board of Trustees may delegate to an executive committee to be composed of three or more of its members, the right and power to lease or sell any of said lands, with the approval of the Governor, and when any lease or sale shall have been made as herein provided, the Governor, upon re-



quest of the Board of Trustees, or its executive committee, as the case may be, shall execute contracts of lease, or deeds of conveyance as may have been agreed on between the Board or its executive committee, and the lessee or purchaser. All the proceeds arising from the sale of lands shall be paid into the Treasury of the State to remain forever as a fund for the use of the institute, and upon which there shall be paid to the institute interest at the rate of six per centum per annum, in quarterly installments.

**517. Proceeds From Lands: Disposition Of.**—The proceeds of all lands sold or leased by the Alabama College shall be paid into the State Treasury. The institute, out of the money appropriated by the State Legislature for the maintenance of the institute, shall pay all the expenses of caring for, protecting, and selling the lands.

**518. Interest Paid College By State.**—On the last day of every quarter the State Treasurer shall pay to the Treasurer of the Alabama College, upon the order of the President of the institution, interest at the rate of six per centum per annum, on the whole amount of the fund in the State Treasury at the close of every quarter, arising from the sale of lands, and upon every sum paid into the State Treasury before the current quarter upon which interest has never been paid; and all laws or parts of laws in conflict herewith are hereby expressly repealed, it being the purpose and intent of the State of Alabama to execute in good faith the trust reposed in it by Congress when granting the lands to the State for the benefit of the institution and to preserve the proceeds arising from the leases or sales of the lands of the institution so granted by Congress as a fund forever and to pay the interest thereon for the support and maintenance of the institution.

**519. Appropriation to Alabama College.**—There is hereby appropriated to the Alabama College out of any monies in the State Treasury not otherwise appropriated, the following: (1) The sum of sixty thousand dollars for each and every year, for maintenance. (2) Interest at the rate of six

per centum per annum on the amount of the fund in the State Treasury at the close of each quarter arising from the sale of lands, amounting to twenty thousand seven hundred twenty-five dollars or more. (3) The sum of four thousand dollars for each and every year from the maintenance and support of the summer school.

520. **Appropriation: When Paid.**—The above appropriations with the exception of the one for the summer school which will be paid on July first, annually, shall be paid quarterly on the first of October, January, April and July out of any monies in the State Treasury not otherwise appropriated upon requisition of the President of the institution upon the State Auditor who shall draw his warrant upon the State Treasurer for the amount for which requisition is made.

## ARTICLE XXX.

### Alabama Polytechnic Institute.—Sections 521-542.

521. **Alabama Polytechnic Institute a Body Corporate.**—The Governor and the State Superintendent of Education by virtue of their respective offices, and the Trustees appointed from the different Congressional Districts of the State, under the provisions of Section 266 of the Constitution of 1901, and their successors in office, are constituted a body corporate under the name of "The Alabama Polytechnic Institute," to carry into effect the purposes and intent of the Congress of the United States in the grant of lands by the Act of July 2, 1862.

522. **Corporate Powers of Institute.**—Such corporation shall have all the rights, privileges, and franchises necessary to a promotion of the end of its creation, and shall be charged with all corresponding duties, liabilities and responsibilities.

523. **Interest On Federal Fund Paid By State.**—For the payment of the interest, at the rate of eight per centum per annum, on the fund of two hundred and fifty-three thousand and five hundred dollars, arising from the sale of the script

for the land donated in trust to this State by the Act of Congress of July 2, 1862, the faith and credit of the State are forever pledged.

**524. Organization and Conduct of Institute.**—The Board of Trustees have the power to organize the institute by appointing a corps of instructors, who shall be styled the Faculty of the institute and such other instructors and officers as the interest of the institute may require; and to remove any such instructors or other officers, and to fix their salaries or compensation, and increase or reduce the same at their discretion, to regulate, alter, or modify the government of the institute as they may deem advisable; to prescribe courses of instruction, rates of tuition, and fees; to confer such academic and honorary degrees as are usually conferred by institutions of similar character; and to do whatever else they may deem best for promoting the interest of the institute. They shall also establish and maintain a military department in the institute, and elect a commandant and such other officers as may be necessary for the department.

**525. Trustees Divided Into Classes.**—The Trustees of the institute are divided into three classes, as follows: The Trustees from the Fourth, Fifth, and Seventh Districts shall constitute the first class; those from the Second, Sixth, and Eighth Districts shall constitute the second class; and those from the First, Third, Ninth and Tenth Districts shall constitute the third class; and they shall hold office, and their seats be vacated as prescribed by Section 266 of the Constitution.

**526. Vacancy in Office of Trustee: How Filled.**—Any vacancy in the office of Trustee, occurring during the recess of the Legislature, shall be filled by appointment of the Governor, such appointee to hold until the next session of the Legislature thereafter; such vacancy shall be filled by the Governor, by and with the consent of the Senate; and any Trustee appointed to fill a vacancy by the Governor, by and with the consent of the Senate, shall hold during the unexpired term.

527. **Meeting of Board of Trustees.**—The Board of Trustees shall hold their meetings at the institute on the first Monday in June of each year, unless the Board shall in regular session, determine to hold its meetings at some other time and place; and upon the application in writing of any four members of the board, the Governor shall appoint a special meeting, naming the time and place thereof, and cause notices thereof to be issued to the several members of the Board, but such meeting shall not be appointed for a day less than twenty days subsequent to the date of notice.

528. **Quorum of Trustees.**—Six members of the Board of Trustees shall constitute a quorum, but a smaller number may adjourn from day to day until a quorum is present.

529. **Expenses of Trustees: How Paid.**—The certificate of the President of the Board, or, in his absence, of the President Pro Tempore, countersigned by the Secretary, shall entitle the several Trustees to the payment of their actual expenses incurred in the discharge of their duties as such Trustees.

530. **Gifts Preserved.**—No grant or gift, by will or otherwise, shall fail on account of any misnomer or informality, when the intent of the grantor or donor can be arrived at; nor shall any default, malfeasance, or misfeasance, or non-user, on the part of the Trustees, or other officers or agents of such corporation, work a forfeiture of any of its rights, privileges, powers, or franchises.

531. **Report Made to the Legislature.**—It shall be the duty of the Board of Trustees to make, or cause to be made to the Legislature, at each session thereof, a full report of their transactions, and of the condition of the institute, embracing an itemized account of all receipts and disbursements on account of the institution by those charged with the administration of its finances.

532. **Interest On Proceeds From Sale of Lands Payable By State.**—The State Treasurer must pay the interest on the fund of two hundred and fifty-three thousand five hundred



dollars arising from the sale of land script quarterly, as the same may accrue to the Treasurer or other authorized agent, or officer of the institute; and on the application of the Treasurer, agent, or officer, the State Auditor shall draw his warrant on the State Treasurer for such interest; but in no case shall any person be authorized to receive, hold, or disburse any fund of the institute, without first having given bond conditioned for the faithful performance of his duties.

**533. How Appropriation Paid.**—The annual legislative appropriation for the support and maintenance of the Alabama Polytechnic Institute shall be paid out on requisition of the President and Treasurer of said Polytechnic Institute, and the special appropriation for additional buildings and equipment shall be paid on the requisition of the President and Treasurer of said Polytechnic Institute with the approval of the Governor.

**534. Appropriation For Institute.**—There is hereby appropriated to the Alabama Polytechnic Institute out of any monies in the State Treasury not otherwise appropriated, except as to such items for which the revenue is specifically provided under separate acts, the following: (1) In lieu of the share of the proceeds from the sale of fertilizer tags heretofore paid to the Alabama Polytechnic Institute, the sum of forty thousand dollars annually. (2) The sum of forty-five thousand dollars for each and every year, for the maintenance and support. (3) For equipment, building, operation and maintenance in the animal husbandry department; twelve thousand five hundred dollars each and every year. (4) For the operation and maintenance of a summer school, five thousand dollars for each and every year. (5) For investigation in agriculture at Auburn, seven thousand five hundred dollars for each and every year. (6) For interest on Endowment Fund, Federal Grant 1862 (Code of Alabama 1907, Section 1910) this amount being twenty thousand two hundred eighty dollars annually.

**535. When Appropriation Payable.**—The above appropriations, with the exception of the one for the summer

school which will be paid on July first, annually, shall be paid quarterly on the first of October, January, April, and July out of any monies in the State Treasury not otherwise appropriated upon the requisition of the President of said Alabama Polytechnic Institute upon the State Auditor who shall draw his warrant upon the State Treasurer in favor of the Treasurer of the Alabama Polytechnic Institute for the amount for which requisition is made.

**536. Amount of Appropriation.**—There is appropriated and made available to the Alabama Polytechnic Institute for each year of the quadrennium beginning October 1, 1923, a sum equal to the appropriations made and available to said Alabama Polytechnic Institute for the fiscal year 1922-23, except the State appropriations made to secure the benefit of the appropriations by the Act of Congress of the United States, approved May 8, 1914 and generally known as the Smith-Lever Act. The Act of the Alabama Legislature making State appropriations to secure the benefit of the said Federal Smith-Lever Fund shall remain in force and the appropriation remain available as provided for by said State Act.

**537. Purposes to Which Appropriation Devoted.**—It is the purpose and intent of the preceding section and sections that the monies appropriated by said sections to each of said institutions shall be devoted by each of said institutions to the same purposes, annually, and in the same amounts as now provided by the laws making appropriations to each of said institutions for the fiscal year ending September 30, 1923: except that the provisions of this section shall in no way effect the appropriations mentioned in the preceding section to secure the benefit of the Federal Smith-Lever Fund.

**538. Appropriation to Match Smith-Lever Fund.**—In order to aid in diffusing among the people of Alabama in the several Counties useful and practical information on subjects relating to agriculture and home economics, to provide for the continuance and improvement of farm demonstration work; for organizing live stock, marketing and other agricul-

tural clubs and otherwise assisting farmers in preparing for market and marketing their crops and live stock; for organizing and supervising boys' corn clubs and pig clubs, girls' canning clubs, home economics and other clubs for women; to encourage diversification of crops and better methods of farming and stock raising; to promote the welfare of the rural districts by other forms of agricultural and home economics extension work; and to secure for expenditure in Alabama the full amounts appropriated conditionally by the Congress of the United States under the agricultural extension act, approved May 8, 1914, generally known as the Smith-Lever Act for extension work in agriculture and home economics in the several States, the following sums shall be, and are hereby, appropriated to the Alabama Polytechnic Institute out of any monies in the Treasury not otherwise appropriated, for carrying out the purposes of this section; For the fiscal year beginning October 1, 1924, and annually thereafter, the sum of one hundred sixty-two thousand and five hundred dollars.

**539. Expenditure of Smith-Lever Fund.**—These sums shall be expended under the direction of the Board of Trustees of the Alabama Polytechnic Institute, which Board of Trustees shall appoint a committee of three men with the Governor of the State as chairman and the said committee shall direct the extension service of said institute in the expenditure of all monies whatever relevant to the putting into effect of the preceding section, and in such manner as to secure for extension work in Alabama in any year the maximum amount of the fund conditionally appropriated for that year by the Congress of the United States under the terms of the Agricultural Extension Act, generally known as the Smith-Lever Act, approved May 8, 1914. If there should remain in any year any balance of the State appropriation after satisfying the requirements of the said Smith-Lever Act of Congress, these balances may be used with the approval of the above mentioned commission in providing quarters for the official and public use of persons engaged in extension work in Alabama and for other purposes related to extension work. Any balance remaining unexpended at the end of any

fiscal year shall be added to the amount available for the next ensuing year, except as modified by the provisions of an Act approved February 11, 1919, to provide for a State Budget Commission. Any revenue derived from the sale of equipment or other articles shall be further applied for the purposes of the preceding section.

**540. Payment of Smith-Lever Fund.**—The sums appropriated by the two preceding sections shall be paid each year in equal quarterly payments in advance on the first day of October, January, April and July, respectively, to the Treasurer of the Alabama Polytechnic Institute, on the requisition of the President of the institute.

**541. Report to Governor Required.**—On or before the fifteenth day of each month the extension service of the Alabama Polytechnic Institute shall make a report to the Governor showing to whom any monies were paid during the preceding month, naming the amount paid to each person and the cause or causes for which said monies were paid, with such degree of itemizing as the Governor may require.

**542. Conflicting Laws Repealed.**—All laws and parts of laws in conflict with the four preceding sections are hereby repealed, but nothing in the four preceding sections shall be construed as repealing the Act approved February 11, 1911, for farm demonstration work in Alabama, which Act provides a fund for farm demonstration work in co-operation with the Federal Department of Agriculture that is now represented in Alabama by the Extension Service of the Alabama Polytechnic Institute.

## ARTICLE XXXI.

### University of Alabama.—Sections 543-572.

**543. University of Alabama, a Body Corporate.**—The Governor and the State Superintendent of Education, by virtue of their respective offices, and the Trustees heretofore appointed from the different Congressional Districts of the State under the provisions of Section 264 of the Constitu-



tion, and such other members as may be from time to time added to the Board of Trustees and their successors in office, are constituted a body corporate under the name of "The Board of Trustees of the University of Alabama", to carry into effect the purposes and intent of the Congress of the United States in the grant of lands by the Act of April 20, 1818, and of the Act of March 2, 1819, to this State, to be by it held and administered for the benefit of a seminary of learning.

**544. Corporate Powers of University.**—Such corporation shall have all the rights, powers, and franchises necessary to or promotive of the end of its creation, and shall be charged with all the corresponding duties, liabilities, and responsibilities.

Alabama College agency of the State, *v. Sowell*, 143 Ala. 494 (39 So. 246). Congressional grants, *Cox v. Trustees of University*, 161 Ala. 639 (49 So. 814).

**545 Power To Sell Property.**—Such corporation may hold, and may lease, sell, or in any other manner not inconsistent with the object or terms of the grant or grants under which it holds, dispose of any property, real or personal, or any estate or interest therein, remaining of the original or any subsequent grant by Congress, or by this State, or by any person, or accruing to the Corporation from any source, including also the proceeds of the "University Fund," as to it may seem best for the purposes of its institution.

**546. University Fund.**—The Fund designated in the preceding section as the "University Fund" consists of the sum of thirty-six thousand dollars per annum as interest on the funds of the University of Alabama, heretofore covered into the Treasury, for the maintenance and support of said institution, which said sum of thirty-six thousand dollars shall be paid to the duly authorized agent of the University as hereinafter provided; and the further sum of twenty-five thousand dollars, annually, is added to and made a part of the University Fund.

**547. Grants and Gifts Preserved.**—No grant or gift, by will or otherwise, shall fail on account of any misnomer or informality, when the intention of the grantor or donor can be ascertained; nor shall any default, or malfeasance on the part of the Trustees or other officers or agents of such Corporation, work a forfeiture of any of its rights, powers, privileges, or franchises.

**548. Rights, Franchises, Properties and Privileges Retained.**—In addition to the rights, properties, privileges, and franchises herein granted, all rights, properties, privileges, and franchises heretofore, by any Act of the Legislature, granted to or vested in the University of Alabama, shall vest and continue in such Corporation.

**549. Appointment of Faculty.**—The Board of Trustees have the power to organize the University by appointing a corps of instructors, who shall be styled the faculty of the University, and such other officers as the interest of the University may require; to remove such instructors or officers, and to fix their salaries or compensation, and increase or reduce the same at their discretion; to institute, regulate, alter, or modify the government of the University, as they may deem advisable; to prescribe courses of instruction, rates of tuition, price of board, and regulate the necessary expenses of students; and to confer such degrees as are usually conferred by similar institutions. They may delegate to the Faculty of the University, or other officers, such powers and functions in the government of the students, and in the administration of the affairs of the University, as they may deem proper; but in no case shall any person be authorized to receive, hold or disburse any funds of the University without having first given bond, conditioned for the faithful discharge of his duties; and no person shall be excluded from the full benefit of the University Fund, or placed at any disadvantage in the pursuit of his studies, who possesses the requisite literary or other qualifications, and is willing to submit to the discipline prescribed for the students.

**550. Trustees: Appointment: Terms: Authority Of.—**

The State University shall be under the control of the Board of Trustees, which shall consist of two members from the Congressional District in which the University is located, and one from each of the other Congressional Districts in the State, the State Superintendent of Education, and the Governor, who shall be Ex-officio President of the Board. The members of the Board of Trustees, as now constituted, shall hold office until their respective terms expire under existing law, and until their successors shall be elected and confirmed, as hereinafter required. Successors to those Trustees whose terms expire in Nineteen Hundred and Two shall hold office until Nineteen Hundred and Seven; successors to those whose terms expire in Nineteen Hundred and Four shall hold office until Nineteen Hundred and Eleven; successors to those Trustees whose terms expire in Nineteen Hundred and Six shall hold office until Nineteen Hundred and Fifteen; and thereafter their successors shall hold office for a term of twelve years. When the term of any member of such Board shall expire, the remaining members of the Board shall, by secret ballot, elect his successor, provided, that any Trustee so elected shall hold office from the date of his election until his confirmation or rejection by the Senate, and if confirmed, until the expiration of the term for which he was elected, and until his successor is elected. At every meeting of the Legislature the State Superintendent of Education shall certify to the Senate the names of all who have been so elected since the last session of the Legislature and the Senate shall confirm or reject them as it shall determine for the best interest of the University. If it rejects the names of any member it shall thereupon elect Trustees in the stead of those rejected. In the case of a vacancy on said Board by death or resignation of a member, or from any cause other than the expiration of his term of office, the Board shall elect his successor, who shall hold office until the next session of the Legislature, when the name of a successor or successors elected by said Board to fill the vacancy or vacancies so occasioned shall be certified by the State Superintendent of Education to the

Senate, and the Senate shall confirm, or reject, as it shall determine is for the best interest of the University; and if confirmed by the Senate, the person, or persons so elected to fill said vacancy shall hold office for the unexpired term to which he is so elected. If the Senate rejects the name of any person to fill said vacancy, it shall thereupon elect some person or persons in the stead of those rejected. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such.

See *Little v. Foster*, 130 Ala. 154, (30 So. 477).

**551. Quorum of Trustees.**—Five members of the Board of Trustees, exclusive of the ex-officio members, shall constitute a quorum, and every member present shall be required to vote, and a majority of those present shall govern. At their first meeting, the Board shall elect one of their number president pro tempore, who shall preside in the absence of the Governor, and shall hold the position until the next annual or special meeting, when another president pro tempore shall be elected.

**552. Meetings of Trustees.**—The Board of Trustees shall meet at least once in each year, and on the first Wednesday in June, unless some other day is selected by them, and they may, by ordinance or resolution adopted by them, prescribe other regular times for meeting. At such meeting they may continue in session as long as they may deem proper for the welfare of the institution, and may at any session appoint a special or adjourned meeting. Upon the written application of four members, or of any three members with his concurrence, the president pro tempore shall appoint a special meeting, and issue notice thereof to the several members; but such special meeting shall not be appointed for a day less than twenty days subsequent to the date of the notice. In case there is no president pro tempore of the Board, or in case he is incapacitated to act, then the Governor, as President of the board, shall, upon the written application of four members, in like manner call such special meeting. Regular meetings of the Board must be held at the University, but special



or adjourned meetings may be held at the University or in the City of Montgomery, or in the City of Birmingham.

**553. Records of Trustee's Proceedings Preserved: Payment of Expenses of Trustees.**—The proceedings of the Board of Trustees must be recorded in a substantially bound book, which must be kept in the archives of the University; and the Board may at any meeting employ a Secretary. The certificate of the President, or in his absence, of the president pro tempore, countersigned by the Secretary, if there be one, shall entitle the several Trustees to their constitutional pay out of the Treasury of the University; and the compensation of the Secretary and the necessary incidental expenses of the Board at each session shall be paid on the order of the Board, and the certificate of the President, or president pro tempore, as the case may be, out of such Treasury.

**554. Trustees Make Report to Legislature.**—It shall be the duty of the Board of Trustees to make to the Legislature, at each session thereof, a full report of their transactions, and of the condition of the University, embracing an itemized account of all receipts and disbursements on account of the University by those charged with the administration of its finances.

**555. Appropriations, When and How Paid.**—The State Treasurer must, quarterly, on the last day of December, March, June and September of each year, pay the "University Fund" as defined by Section 1872 of the Alabama Code of 1907, to the Treasurer or any authorized agent of the University; and on the application of such Treasurer or agent, the State Auditor shall draw his warrant on the State Treasurer for the amount due; such payments to commence on the days specified after the present Constitution becomes operative. Appropriations subsequently made shall be paid in like manner unless otherwise prescribed.

**556. Power Reserved to Legislature Over Certain Funds.**—The right is reserved to the Legislature to revise or amend the provisions of this article, and by virtue of the

character of the trust conferred by the Act of Congress, to intervene, and, by special enactment, to direct and control the Board of Trustees in the discharge of their duties and functions.

**557. Books May Be Furnished Law Department.**—The justices of the Supreme Court are authorized from time to time to set apart and turn over to the law department of the University, copies of such second hand or superseded law books, known as text-books, as they may deem expedient, the marshal and librarian taking proper receipts therefor.

**558. Code of Alabama Furnished Law Department.**—The Secretary of State shall supply to such Law Department ten copies of the Code of Alabama and ten copies of each volume of the current reports of the Supreme Court, as the same may, from time to time, be published.

**559. Police Officers Appointed by President.**—The President of the University has authority to appoint or employ one or more suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to the property of the University. Such person shall be charged with all the duties and invested with all the powers of police officers, and may eject trespassers from the University buildings and grounds, and may, without warrant, arrest persons guilty of disorderly conduct, or of trespass on the property of the institution, and carry them before the nearest Justice of the peace or other officer charged with the trial of such offenders, before whom, upon proper affidavit charging the offense, such person so arrested may be tried and convicted as in case of persons brought before him on a warrant; and such officer or officers shall have authority to summon a posse comitatus.

**560. Authority of Trustees to Dispose of Property.**—The Board of Trustees of the University of Alabama may sell, lease, or otherwise dispose of, all or any part of such land as has been or may be selected under and by virtue of an Act of Congress entitled, "An Act to increase the endow-

ment of the University of Alabama from the public school lands in said State," approved April 23, 1884; and may sell lands or any interest therein or part thereof for such prices and upon such terms as to them may seem proper. Such sales may be for cash or for part cash, and the said Board of Trustees of the University of Alabama shall not be limited by any statute heretofore enacted as to what part of the purchase price of such lands which they have heretofore sold or may hereafter sell shall be in cash, but the per centum of the purchase price of such lands that may have been or shall be in cash, shall be such as said Board of Trustees of the University of Alabama may agree upon with the purchaser or purchasers.

**561. Executive Committee of Trustees.**—The Board of Trustees of the University of Alabama may create an executive committee consisting of three or more of the Trustees composing the said Board upon which committee it may confer full power and authority to lease, sell, and convey such lands or any part thereof, or any interest therein, as fully as said Board of Trustees of the University of Alabama could itself do.

**562. Ratification of Certain Acts of Trustees.**—All sales, agreements to sell, leases, and other dispositions of such lands, or any part thereof, or any interest therein, heretofore made or attempted to be made by the Board of Trustees of the University of Alabama, or by any executive committee by it created, irrespective of the per centum of the purchase price which may have been paid in cash, are ratified and confirmed, and shall be binding upon the Board of Trustees as fully as if the same were made after the 28th day of February, 1907, and in cases where the same were made by an executive committee, as if the same were made by the Board of Trustees of the University of Alabama.

**563. Medical Department.**—The Corporation styled The Medical College of Alabama is dissolved and the institution known as the Medical College of Alabama is constituted the Medical Department of the University of Alabama and shall

hereafter be under the sole ownership, management and control of the Board of Trustees of the University of Alabama. All appropriations in money made for the aid of the Medical College shall inure to the benefit of the said Medical Department of the University of Alabama and shall be paid to the Trustees of the University of Alabama for the use and benefit of said Medical Department, and any appropriation for the maintenance and equipment of the Graduate School of Medicine of the University of Alabama at Birmingham, Alabama, shall be paid by the State Treasurer in equal quarterly installments on the first day of January, April, July and October, to the Treasurer of the University of Alabama upon warrants drawn by the State Auditor as warrants are drawn for other appropriations to the University of Alabama or to the Board of Trustees of the University of Alabama, but such money shall be used exclusively for the Graduate School of Medicine of the University of Alabama at Birmingham.

Removal of Medical School. *Stevens vs. Thames*, 204 Ala. 487 (86 So. 77).

**564. School of Mines of Alabama.**—The Department of Mining Engineering of the University of Alabama is declared to be the "School of Mines" of the State of Alabama. Alabama's share of such Federal Aid as may hereafter be provided by Congress for the promotion or development of mines and mining, and mining engineering in the several States through educational agencies, shall be put at the exclusive disposal of the University of Alabama to be utilized in connection with or by that institution in such manner as the Federal Law and regulations may prescribe.

**565. Appropriation For Bureau of Mines.**—The Federal Bureau of Mines, Department of the Interior, has agreed to establish at a cost to the Federal Government of twenty-five thousand dollars per annum, a mining experiment station at the University of Alabama, on condition that such station shall be properly housed, equipped and maintained at the expense of the State of Alabama, and the continuance of such station in Alabama is dependent on meeting the conditions of



the Federal Government, therefore, for the purpose of procuring the establishment of such station in the State at the University of Alabama, there is appropriated out of the funds in the Treasury not otherwise appropriated the sum of twenty-five thousand dollars per annum, or such part of said sum as may be necessary, for the purpose of procuring and maintaining such station. Such appropriation shall begin October 1, 1920, and be payable to the Treasurer of the University of Alabama on his requisition on the State Auditor, drawn from time to time.

**566. Appropriation For University.**—There is appropriated annually to the University of Alabama out of any monies in the Treasury not otherwise appropriated the following: (1) The sum of thirty-six thousand dollars annually as interest on the funds of the University of Alabama, heretofore covered into Treasury, for the maintenance and support of said institution. (2) The sum of seven thousand five hundred dollars for each and every year for the maintenance of the Extension Division of the University. (3) The sum of seven thousand dollars for each and every year for the maintenance and support of the Summer School. (4) The sum of twenty thousand dollars annually for the maintenance and equipment of the Medical Department of the University of Alabama. (5) The sum of ten thousand dollars for each and every year for the maintenance and equipment of the Graduate School of Medicine of the University of Alabama at Birmingham.

**567. When And How Appropriation Made.**—The above appropriations, with the exception of the appropriation for the Summer School, which shall be paid on July first, annually, shall be paid quarterly on the first day of October, January, April and July out of any monies in the State Treasury not otherwise appropriated, upon the requisition of the President of the University of Alabama upon the State Auditor who shall draw his warrant upon the State Treasurer in favor of the Treasurer of the University of Alabama for the amount for which requisition is made.

568. **Testing Laboratory.**—The testing laboratory of the University of Alabama is the official testing laboratory for cement and other materials of construction.

569. **Summer School.**—The Trustees of the University of Alabama may establish at that institution a school to be known as the Summer School for Teachers, at which during the summer months instruction shall be given in all the public school studies and in such other studies as may be necessary to better prepare teachers for efficient service in the public schools of this State.

570. **Maintenance of Summer School.**—The Summer School for teachers at the University of Alabama shall be maintained and supported by the annual Legislative appropriation for that specific purpose.

571. **Payment of Certain Appropriations.**—The amount of annual Legislative appropriation shall on the first day of July of each year, be paid by the State Treasurer to the Treasurer of the University of Alabama, on warrants drawn by the State Auditor as warrants are drawn for other appropriations to the University. Appropriations subsequently made shall be paid in like manner, unless otherwise prescribed. The Trustees of the University shall report in writing to the Legislature at each regular session thereof the manner in which the appropriation has been expended.

572. **Examinations For Teachers.**—The State Board of Examiners for Teachers, upon written request of the Director of the Summer Session, shall conduct or have conducted, annually, at the University, at the close of the Summer School for Teachers, an examination for the convenience of teachers attending that school. The examination shall be equal in all respects to the regular examination required by law. The same fees shall be charged, and the examination shall be conducted under the same rules and regulations.

## ARTICLE XXXII.

## State Council of Education.—Sections 573-576.

**573. State Council of Education: How Constituted: Purpose Of.**—In order to co-ordinate the educational efforts of the University of Alabama, the Alabama Polytechnic Institute, and the Alabama College, there is hereby created a State Council of Education to be composed of the Governor, who shall be chairman, two members of the State Board of Education, the State Superintendent of Education, the President of the University of Alabama, the President of the Alabama Polytechnic Institute, the President of the Alabama College, and one member of the Board of Trustees from the University of Alabama, the Alabama Polytechnic Institute, and the Alabama College. The members of the State Council of Education from the State Board of Education shall be chosen by the State Board of Education and the members from the Boards of Trustees of each of the three institutions of higher learning shall be selected by the respective Boards of Trustees. The State Superintendent of Education shall be the Secretary of the State Council of Education.

**574. Duty of State Council of Education.**—The State Council of Education shall study the needs of higher education and of education in general throughout the State and shall endeavor to encourage the healthful development of all educational agencies and to allocate wisely among the existing agencies the different portions of the task of training in so far as may not be inconsistent with the powers and duties of the Board of Trustees of three institutions of higher learning and of the State Board of Education as prescribed by the Constitution of the State and by law.

**575. Advisory Boards May Be Associated With Council.**—The State Council of Education shall have authority to associate with it two Advisory Boards, one composed of delegates representing the agricultural, commercial, industrial, and similar organizations of the State whose duty it shall be

to assist in the investigations of the Council and to enlist the co-operation of the several agencies in the improvement of the economic condition of the State, including the schools; the second composed of representatives of the Alabama Educational Association, the State Association of Colleges, and similar organizations, whose duty it shall be to promote the internal work of the schools, to develop a wholesome professional spirit and to promote the cause of education within the ranks of the profession.

**576. Rules and Regulations May Be Promulgated By Council.**—The State Council of Education shall have authority to make rules and regulations governing the time of meeting and to take such other action, not inconsistent with law, as may be deemed necessary to carry out the provisions of this article.

### ARTICLE XXXIII.

#### **Alabama Institute for Deaf and Blind.—Sections 577-587.**

**577. Consolidation of Intstitutes As Alabama Institute For Deaf and Blind.**—The institution heretofore established for the education of the deaf, called the “Alabama School for the Deaf”, and the institution heretofore established for the education of the blind, called the “Alabama School for the Blind”, and the institution heretofore established for the education of the negro deaf and blind, called the “Alabama School for Negro Deaf and Blind”, each of which institutions is located at Talladega, Alabama, are hereby consolidated and shall be a body corporate under the corporate name of “Alabama Institute for Deaf and Blind,” and by that name may sue and be sued, acquire and hold real and personal property, and have and exercise all the powers of a corporation, established to carry on a State educational institution for the deaf and the blind, and the said Alabama Institute for Deaf and Blind shall succeed to all the rights, privileges, emoluments, benefits, interests, appropriations, properties and titles heretofore at any time vested in the Alabama School for the



Deaf, or the Alabama School for the Blind, or the Alabama School for Negro Deaf and Blind. The Alabama Institute for Deaf and Blind shall be located at Talladega, Alabama.

578. **Trustees: Appointment and Authority Of.**—The Alabama Institute for Deaf and Blind shall be managed and controlled by a Board of Trustees which shall consist of the Governor, the State Superintendent of Education, and twelve other persons who shall be appointed by the Governor and confirmed by the Senate at the time of the appointment or at the next meeting of the Legislature following such appointment; and if any appointment by the Governor is rejected by the Senate, the Governor must again appoint until the full number of appointments at such time is complete; and in case of a vacancy on said Board by death or resignation of a member, or from any cause other than the expiration of his term of office, the Governor may fill the vacancy by appointment, which shall be good until the next meeting of the Legislature, and until his successor is duly appointed and confirmed. The appointive members of the Board shall consist of three members from the Congressional District in which the school is located, and one from each of the other Congressional Districts in the State. The three members from the Congressional District in which the institute is located shall be appointed from Talladega County. The members of the Board shall be divided into three classes. The members from the First, Second, Third Congressional Districts, and one member from the Fourth Congressional District shall compose the first class. The members from the Fifth, Sixth, and Tenth Congressional Districts and one member from the Fourth Congressional District shall compose the second class. The members from the Seventh, Eighth, and Ninth Congressional Districts and one member from the Fourth Congressional District shall compose the third class. The members of the Board of Trustees of the Alabama Institute for the Deaf as constituted at the time of the consolidation of the three said institutions by this article and which has heretofore had charge and control of each of said institutions, and which Board of Trustees of Alabama School for the Deaf was con-

stituted in all respects as the Board of Trustees of Alabama Institute for Deaf and Blind hereby created, shall constitute the Board of Trustees for the Alabama Institute for Deaf and Blind and the said members of said Board of Trustees for the said Alabama School for the Deaf shall each hold office as a member of the Board of Trustees of Alabama Institute for Deaf and Blind till the time when their terms would have expired as Trustees of Alabama Institute for the Deaf. Their successors in office shall hold office for a term of six years and until their successors are appointed and qualified.

579. **Quorum of Trustees.**—A majority of such Board may act, and may meet and adjourn from time to time as, in their judgment, the interest of the institution may require. They must appoint a Secretary and keep a complete record of all their proceedings in a well-bound book; and they shall also appoint a Treasurer, who shall not be a Trustee, who shall give bond in such amount as the Board may determine, and with such sureties as they may deem sufficient, for the faithful discharge of his duties as such Treasurer; and he and his sureties shall be responsible for all funds which may come into his hands by virtue of his office.

580. **Treasurer's Authority to Pay Out Funds.**—The Treasurer must pay over such funds as may come into his hands as such on the written order of the principal of the school, countersigned by the Secretary and Recorded in the minutes or records of the proceedings of the Board, kept by such Secretary, and the Treasurer shall make a full report at the close of the fiscal year, and oftener, if required by the Governor.

581. **President of Board of Trustees: Selection of Faculty.**—The Board shall appoint from their number a President who shall preside over the Board in the absence of the Governor, and shall sign all diplomas, and they shall also appoint a Superintendent for such institution, who may nominate to the Board such other assistants in the institution as he may think necessary for its successful management, such Board

having power of confirmation or rejection. Should any nominee of the Superintendent be rejected by the Board, such Superintendent shall, within the time granted by the Board, make other nominations which shall be ratified or rejected by the Board or the Executive Committee of the Board when the Board so delegates such duty to the Executive Committee. The Board shall fix the amount of compensation for each of the officers and teachers, and the time of payment.

**582. Object of the School.**—The object of such school shall be to afford the means of education to the deaf and the blind of the State. All deaf and all blind children of the State, between the ages of seven and twenty-one who are of sound mind, free from disease, and of good character, may be admitted to the benefits of this school. All applicants must make satisfactory proof to the Board of Trustees that they are citizens of the State, and that they are proper candidates for admission. Proof may be made by the applicant in person or by next best friend or by affidavit of any person cognizant of the facts, before the Probate Judge or Notary Public. The length of time which any pupil may continue in school shall not exceed ten years. Provided, however, that the Board of Trustees may increase the term of a pupil from year to year upon recommendation of the superintendent, to not exceeding four additional years, and no pupil shall be retained in school after having passed the age of twenty-five. No pupil shall be retained in school after it has been ascertained that such pupil has ceased to make progress or is not being benefited. Any pupil may be dropped at any time for cause by the Board of Trustees.

**583. Executive Committee of Board of Trustees.**—The Board may select from their number an Executive Committee of three, subject to change and removal by the majority of the Board at any time; and such committee is authorized to meet and transact any business that may be transacted by a majority of the Board; and whatever acts such Committee may do shall be considered as done by the whole Board.

584. **Basis of Annual Appropriation.**—The annual Legislative appropriation for the support and maintenance of the Alabama Institute for Deaf and Blind shall be based upon the number of pupils enrolled on the first day of January of each year, and shall be drawn quarterly in advance by the Treasurer of the Board and disbursed as directed by the said Board.

585. **Appropriation for Maintenance and Support.**—For the maintenance and support of the Alabama Institute for Deaf and Blind, the sum of three hundred twenty dollars per pupil is hereby annually appropriated out of any money in the Treasury not otherwise appropriated, such appropriation to be based upon the number of pupils enrolled upon the first day of January of each year, and to be drawn quarterly in advance by the Treasurer of the Board, and disbursed as directed by the Board.

586. **Property Must Be Maintained and Insured.**—The Board of Trustees must provide good and sufficient insurance, payable to the State of Alabama, upon the property of the State and under their control, and keep and maintain such property in good repair; and for these purposes there is annually appropriated the sum of six thousand dollars, to be drawn as appropriations for the support of the institute are drawn. Such appropriations shall be expended only for the purposes herein specified.

#### ARTICLE XXXIV.

##### **Bonds of Officials and Employees.—Section 587.**

587. **Bonds, of Whom Required.**—All bonds of officials and employees required under the provisions of this Code shall be executed by a surety company authorized to do business in Alabama and approved by the State Superintendent of Education. The said bonds shall be filed in the office of the State Department of Education in Montgomery, unless otherwise instructed by the State Board of Education.



## ARTICLE XXXV.

**Instruction As to Certain Subjects Required in All Public Schools.—Sections 588-598.**

588. **Alcoholic Drinks: Tobacco, Narcotics, Instruction As to Effects Required.**—The County and City Boards of Education, and the County Superintendents of Education and Superintendents of City Schools, and all Boards of Directors and Presidents of all schools and colleges, supported in whole or in part by public money, or under State control, shall, respectively, require and provide that regular instruction shall be given in all grades of all said schools and colleges under their supervision, direction or control as to the nature of alcoholic drinks, tobacco and other narcotics, and their effect upon the human system; and they shall, from time to time, as they may be called upon by the Governor or State Superintendent of Education, report to the Governor or State Superintendent, respectively, what they have done to comply with the duty hereby imposed upon them; to the end that such subjects shall be taught in the schools and colleges of the State as regularly as any other subjects of instruction.

589. **Normal Schools Required to Instruct As to Effects of Alcoholic Drinks, Tobacco and Narcotics.**—The Board of Directors and President of every Normal School or College in this State shall require and provide that all students therein shall have regular instruction in the subjects mentioned in the preceding section; to the end that such students, when authorized to teach in the schools of the State, shall be qualified to give the like instruction therein. The Presidents of said schools shall report to the Governor at the end of each scholastic year to what extent such instruction has been provided for in the said schools and colleges during the preceding scholastic year.

590. **Examination of Teachers Must Contain Certain Subjects.**—In the examination of applicants for certificates of the first, second and third grades, or of applicants for the life

certificates, whether such examination be held by the State Board of Examiners or whether the examination shall be held in the County, in the cases provided for by law, such applicants shall be examined upon the subjects or branches referred to previously in this article, and the subjects thus referred to shall be embraced in the branches of learning, upon which the said applicants are required to be examined in writing, and such examination shall include questions on those subjects as on others.

591. **Temperance Program For Normal Schools.**—The Board of Directors of the State Normal Schools shall arrange with the President of the Woman's Christian Temperance Union to have a trained scientific temperance institute worker to visit each Normal School of the State at least once a year, and to be allowed one hour per day on not less than three days to lecture before the student body upon the subjects mentioned in this article, and that the reasonable expense of such institute worker shall be agreed upon by the President of the school with the worker, which amount shall be paid out of the Treasury of the State upon a warrant issued by the Auditor to the President of the school, upon a statement of the account presented under affidavit by the President, and approved by the Governor; and the proceeds of such warrant shall be used either to pay the said worker for expenses, or to reimburse the President of the school, if he has paid the worker for expenses.

592. **Program For Temperance in Public Schools.**—The program for the exercise of Temperance Day to be observed in the public schools of the State one day in each scholastic term, as provided by law, may be prepared and furnished to the State Superintendent of Education by the Alabama Woman's Christian Temperance Union, or by a committee of said Union, named for that purpose, and the program may be so prepared, either in collaboration with the State Superintendent of Education, or under the supervision of such Superintendent, and it shall be the duty of the State Superintendent of Education to have the said program printed and to

have the same sent out to the schools or heads thereof from his office at the expense of the State, and the expense of printing and distributing said program shall be paid upon a warrant issued by the Auditor, upon an account under oath, made out by the State Superintendent of Education and approved by the Governor; and the said warrant shall be issued to the State Superintendent and the proceeds thereof used by him to pay the expenses of such printing and distribution, or to reimburse him therefor, if he has already advanced such payment.

**593. Report to Governor On Temperance Instruction Required.**—The State Superintendent of Education, in the report which he is required by Section 878 of the Alabama Code of 1923 to make annually to the Governor, on or before the first day of December, shall state what he has done to comply with the provision regarding the instructing of all pupils in all schools and colleges supported in whole or in part by public money in hygiene, and physiology, with special reference to the effects of alcoholic drinks, stimulants, and narcotics upon the human system, and to what extent the instruction there required has been given in the schools and colleges referred to in the five preceding sections.

**594. Holy Bible Required to Be Read.**—All schools in this State that are supported in whole or in part by public funds shall have once every school day readings from the Holy Bible.

**595. Teacher's Report Must Show Daily Bible Reading.**—Teachers in making monthly reports shall show on the same that they have complied with the preceding section, and Superintendents of City Schools in drawing public funds shall certify that each teacher under his supervision has complied with this and the preceding section.

**596. Public Funds Not Paid Where Failure to Comply With Requirements As to Bible and Temperance.**—Schools in the State subject to the provisions of this and the two preceding sections, shall not be allowed to draw public funds

unless the provisions of this and the two preceding sections are complied with, and the State Superintendent of Education is charged with the enforcement of the provisions hereof.

**597. Constitution of United States in Course of Instruction.**—In all public and private schools located within the State of Alabama, there shall be given regular courses of instruction in the Constitution of the United States. Such instruction in the Constitution of the United States shall begin not later than the opening of the eighth grade, and shall continue in the high school course and in courses in State Colleges, Universities and the Educational Departments of State and Municipal Institutions to an extent to be determined by the State Superintendent of Education.

**598. Humane Treatment of Animals Taught.**—There shall be taught in the public schools of this State, in addition to other branches of study as now prescribed, a system of humane treatment to all animals. It shall be the duty of each teacher of the public schools within this State to devote at least twenty minutes each week through the entire term to teaching the pupils of his or her school, kindness, justice and humane protection of birds and animals and the important place they occupy in the economy of nature. The Superintendent of Education of this State shall include moral and humane education in the program for the teachers' institute held annually in each County. Provision shall be made for humane education in the Normal School course for all those training for the teaching profession. The principal or teacher of each public school shall state in the monthly reports that the provision of this Act has been complied with in the school or schools under his control. Experiments on any living creature shall not be permitted in any public or private school of this commonwealth.



**ARTICLE XXXVI.****Private, Denominational and Parochial School Reports.—  
Sections 599-600.**

599. **Schools Required to Register and Report.**—All private, denominational and parochial schools or institutions of any kind having a school in connection therewith shall register annually on or before the tenth day of October with the State Department of Education, shall report on uniform blanks furnished by the State Superintendent of Education, giving such statistics as relate to the number of pupils, the number of instructors, enrollment, attendance, course of study, length of term, cost of tuition, funds, value of property, and the general condition of the school.

600. **Schools Make Reports Required by Attendance Law.**—All private, denominational, or parochial schools offering instruction to pupils within the compulsory attendance ages shall keep all records and make all reports that may be required in any compulsory attendance law now in force or that may hereafter be enacted in the State of Alabama, and no pupil attending any private, denominational, or parochial school which fails to comply with the requirements of this article, shall be considered as meeting the legal requirements of such compulsory attendance law.

**ARTICLE XXXVII.****Tuskegee Normal and Industrial Institute.—Section 601.**

601. **Appropriation to Tuskegee Normal and Industrial Institute.**—For the partial support and maintenance of the Tuskegee Normal and Industrial Institute, and as an evidence of the good will of the State of Alabama, there is hereby appropriated annually out of any money in the Treasury not otherwise appropriated the sum of five thousand dollars to the said Tuskegee Normal and Industrial Institute. This fund shall be expended for such purposes as may be agreed

upon by the State Department of Education and the Board of Trustees of the Tuskegee Normal and Industrial Institute. The amount herein appropriated shall be paid quarterly upon requisition of the State Superintendent of Education upon the State Auditor who shall draw his warrant upon the State Treasurer in favor of the treasurer of the Tuskegee Normal and Industrial Institute for the amount of such requisition.

### ARTICLE XXXVIII.

#### Pensions for Teachers.—Sections 602-614.

602. **Retirement of a Teacher.**—The City School Board, or City Board of Education, or by whatever name called, in all Cities or Towns of this State having a population of not less than thirty-eight thousand nor more than forty thousand according to the last or any succeeding Federal census, on application in writing, shall retire any teacher who has taught in the public schools of such City for twenty-one years or more, and is at the time on the roll of teachers of any such City or Town, and who, at the expiration of such period shall be in such mental or physical condition as to be unable or incapacitated to teach longer, such inability or incapacity to be determined by said Board, and a statement thereof spread upon the minutes of said Board.

603. **Application for Retirement of Teachers.**—The City School Board or City Board of Education or by whatever name called in all Cities or Towns of this State having a population of not less than thirty-eight thousand nor more than forty thousand according to the last or any succeeding Federal census, is hereby authorized and required on application in writing to place on the retired list of school teachers any person who is at the time a resident of any such City or Town and who taught in the public school of such City twenty-one years or more at any time in the past and who shall be at the time of such application in such mental or physical condition as to be unable or incapacitated to teach longer, such inability or incapacity to be determined by said

Board and a statement thereof spread upon the minutes of said Board; it being the intention of this section that such person shall enjoy the full benefits of this and the two succeeding sections.

**604. Amount of Teacher's Pension.**—The amount of pension or retiring allowance provided for in the two preceding sections shall be one-half of the highest salary received by any such teacher during the period of service, but not to exceed the sum of six hundred dollars per annum.

**605. Fund From Which Pension Payable.**—Such pension or retiring allowance shall be paid out of the regular school funds monthly, as salaries of other teachers are paid.

**606. Application for Pension Where Party Has Taught Thirty Years.**—Whenever any person of this State has taught, continuously, in any of the public schools of this State for thirty years and has reached the age of sixty years and his or her record as a teacher is without reproach, and, by reason of physical inability or mental infirmity, he or she is unable to teach longer and is without the means of comfortable support; such teacher may lay his or her case before the County Board of Education or other school governing body, by whatever name called, in all Counties having a population of not less than eighty thousand nor more than one hundred and fifty thousand according to the last Federal census or any succeeding Federal census, and the said Board shall consider the case of the said teacher and, if the Board should find the facts to be as hereinbefore stated, the teacher shall be placed on a list, styled the "Retired List," which shall be kept as a part of the records of the said Board.

**607. When Amount of Pension Fixed By Boards of Education.**—Every person so placed on the said Retired List shall be entitled to receive a pension from the public school funds of the said County or Counties, in such sum, as to the Board may seem proper; but, in no event shall such pension exceed in any case the maximum of three hundred and sixty dollars per year; which said pension shall be paid monthly

by the Treasurer of public school funds of the County in which the teacher, making said application, lives, in the same way as other teachers are paid. Such payment of pension shall be made only so long as the said teacher is without other means of comfortable support.

**608. Authority to Discontinue Pension.**—The said public school authorities in such County or Counties may, for any reason which they deem sufficient, discontinue payment completely; and a discontinuance for any reason other than that the circumstances of the said pensioner have so changed as that he or she has other means of comfortable support, shall not be had except upon a majority vote of the full Board. This and the two preceding sections shall never be construed or enforced so as to authorize the retirement of any officer on pay or part pay or to make any grant to such retiring officer, nor should it ever be construed or enforced so as to authorize any County to grant any extra compensation, fee, or allowance to any public officer, servant or employee after service shall have been rendered, but all payments made under the provisions of this and the two preceding sections shall be for some service to be performed or for some duties to be discharged after September 4, 1923.

**609. Teacher Receiving Pension May Be Assigned Work.**—The County Board of Education, however, may assign work or duties in connection with the public schools of the County to such persons to whom payments are to be made under this and the three preceding sections, and payments made thereunder shall be made in consideration of such service to be performed in the future in connection with the public schools of the County which pays such compensation.

**610. Pension Fund May Be Maintained.**—In each and every County in the State having a population of two hundred thousand or more according to the Federal census of 1920, or any subsequent census the County Board of Education is authorized to create and maintain a pension fund for teachers.



**611. Deductions From Teacher's Salaries to Create Pension Fund.**—In any such County the County Board of Education is authorized to deduct each month from the salaries of teachers an amount not to exceed one-third of one per centum of the monthly salaries of said teachers and place this amount to the credit of a fund to be designated as "Teachers' Pension Fund." No deduction may be made from the salary of any teacher without his or her written consent.

**612. Gifts May Be Accepted for Pension Fund.**—The County Board of Education in any such County is authorized to accept gifts or bequests from any individual, society or corporation, to dispose of gifts and bequests other than money, and place said gifts or bequests, or their money values, to the credit of "Teachers' Pension Fund."

**613. County Board Authorized to Appropriate to Pension Fund.**—The County Board of Education of any such County is authorized to make an annual appropriation from the County three mill tax school funds to the "Teachers' Pension Funds," provided, that the amount so appropriated shall not exceed one-fourth of one per centum of the annual three mill County school tax.

**614. Certain Teachers Required to Be Pensioned.**—The County Board of Education in any such County is authorized and required to retire on a pension any teacher who has taught in this State twenty-five years, or more, subject to the following provisions: (1) No teacher shall be eligible for a pension unless he has taught fifteen years in the County from which he is claiming a pension. (2) No teacher shall receive a pension before reaching the age of sixty unless said teacher shall furnish proof that he has become by reason of accident or disease wholly incapacitated to pursue any gainful occupation. (3) A teacher shall be eligible for an annual pension not exceeding one-third of the annual salary he last received, but no pension shall be granted for more than four hundred dollars a year. (4) Any teacher, on approval of the Board of Education and the County Superintendent of Education may temporarily waive his right to a pension and con-

tinue teaching. The provisions of this and the four preceding sections shall not inure to the benefit of any teacher who refuses to allow the monthly deductions from his salary as provided in a preceding section of this article. (6) The County Board of Education shall deposit all monies accruing to the fund in some responsible banking institution which offers to pay the highest rate of interest thereon, to be paid quarterly and credited to such pension fund. This section and the four preceding sections shall never be construed or enforced as to grant any extra compensation, fee or allowance to any public officer, servant or employee after services shall have been rendered, nor increase or decrease the fees and compensation of such officers during their term of office, nor shall it authorize the retirement of any officer on pay, or part pay, or make any grant to such retiring officer.

## ARTICLE XXXIX.

### United States Flag and State Flag.—Sections 615-618.

615. **Flags Must Be Displayed Daily.**—All schools in this State that are supported in whole or in part by public funds, shall display every day on which school is in session, at some suitable place about the school building, the flag of the United States and the flag of the State of Alabama.

616. **Teacher's Report Must Show Flags Displayed Daily.**—Teachers' in making monthly reports, shall show on the same that the provisions of the preceding section have been complied with, and Superintendents of City Schools in drawing public money, or monies, shall certify that each school under his supervision has complied with the preceding section.

617. **Teachers Not Displaying Flag Not Allowed Public Funds.**—Teachers in the State subject to the provisions of the two preceding sections shall not be allowed to draw public funds unless the provisions of the two preceding sections are complied with, and the State Superintendent of

Education is charged with the enforcement of the provisions hereof.

618. **Purchase of Flags.**—The flags provided for in the three preceding sections shall be paid for by local School Boards, in localities where local School Boards exist, and in localities where there are no local School Boards, such flags shall be paid for by the County Boards of Education.

## ARTICLE XL.

### Medical and Physical Examination of School Children.— Sections 619-625.

619. **Examination Physically and Mentally of School Children.**—The State Department of Education and the State Board of Health shall in conjunction arrange for the examination of each and every child attending the public schools of this State, both male and female, for any physical defects of any kind embracing mental deficiency, diseases of the ear, eye, nose and throat, mouth and teeth, and any deformity or dislocation of the hip-joints or spinal disease, phymosis, hook-worm disease, and any other disease requiring medical or surgical aid in developing the child into a strong and healthy individual. The several County Boards of Education and County Boards of Health shall co-operate fully with the State Board of Education and State Board of Health in the promotion of this work. The County Superintendent of Education shall arrange with the County Health Officer a schedule of dates for this examination of the children in the public schools under his supervision and the City Superintendent of Schools shall make like schedule for the schools under his supervision.

620. **When Examination Made.**—Each and every child shall be examined before October first in each and every year by the County Health Officer, and the State Superintendent of Education shall have blanks printed to be furnished by the County Superintendent of Education to the

various school districts. The County Health Officer of each County shall make such physical examinations of the school children and he shall secure such assistance from the County Board of Health as is necessary. All examinations held under this article shall be without charge to the child or its parents.

**621. Physical Education Required.**—Every public school and private or parochial school shall carry out a system of physical education, the character of which shall conform to the program or course outlined by the State Department of Education.

**622. Certificate of Examination Furnished Pupil.**—Each child shall be furnished with a certificate of examination, which shall be recorded by the teacher in a record kept for that purpose, the certificate to be returned to the parent or guardian of the child.

**623. County Health Officers Furnished With Certain Equipment.**—The State Board of Health shall supply the County Health Officers with glass slides and tubes, if necessary, for the taking of specimens, for making blood tests and hookworm tests.

**624. Tests: By Whom Made.**—The State Board of Health shall have all necessary tests made at the State Laboratory upon the request of the County Health officer.

**625. County Board of Health to Co-operate.**—To the end that the objects and purposes of this article may be fully carried into effect, and the health of the school children of Alabama may be materially improved, the co-operation of the County Board of Health in various Counties of Alabama, in conjunction with the County Health Officers, is expected without charge to the parent of the child.



## ARTICLE XLI.

**Elementary Schools—Trust Fund, Administration Of.—Sections 626-628.**

**626. Donations Held for Elementary Schools.**—Property, money or other thing of value may be donated for the benefit of the elementary schools or an elementary school of this State to be held in trust and administered for the use of such schools or school.

**527. Authority to Administer Gifts and Donations.**—Whenever any property, money or thing of value is donated to be used for the benefit of the elementary schools or an elementary school of this State, the State Board of Education shall have power to administer such trusts as it deems to the best interest of the schools or school for the benefit of which the donation or gift is made. The Board of Education is given complete control of such property and may sell, lease or otherwise dispose of the property as it deems to the best interest of the schools or school for the benefit of which such property is donated; or the Board of Education may convert the same into securities for handling the property or proceeds therefrom as in its discretion will best promote the purpose of the trust.

**628. Gifts May Be Accepted On Conditions.**—The State Board of Education may accept the administration of property, money or other thing of value donated in trust for the benefit of an elementary school or the elementary schools of the State upon such conditions as may be acceptable to the donor and the State Board of Education, but no undertaking entered into by the State Board of Education with such donor shall bind the State to pay any public monies to anyone. Nothing hereunder shall prevent the State Board of Education from undertaking payments to persons out of the proceeds derived from such trust funds as a condition of the acceptance of a donation for the benefit of such school or schools. All trust funds administered under the provisions of this article may be required by the State Board of Education to pay the expenses of administering the same.

## ARTICLE XLII.

**School Lands, Lease and Sale.—Sections 629-654.**

629. "School Lands" Defined.—School lands, within the meaning of this Code, are sections numbered sixteen, in every township, granted by the United States for the use of schools in the township, and such other lands as may have been granted to any township or district for the use of schools; and all such lands are vested in the State in trust to execute the objects of the grant.

630. Sale of School Lands.—The State Superintendent of Education, subject to the approval of the Governor, may sell and dispose of any of the school lands or the timber thereon, and may also grant easements and rights-of-way through such lands.

631. When Inhabitants Must Consent to Sale.—No school lands, except indemnity lands, shall be sold without the consent of the inhabitants of the township or district in which such lands are located. Said consent shall be obtained and shown by a petition in writing addressed to the State Superintendent of Education requesting and consenting to the sale of such lands, signed by a majority of the legally qualified voters of the township or district. This petition must be verified by the affidavit of at least three signers, certifying that a majority of the inhabitants of the township or district in which the lands are situated desire a sale thereof and that the persons making and signing said petition constitute a majority of the qualified electors residing in said township or district.

632. When Resale Authorized.—If any purchaser fails to make the payment or to give his notes with approved securities, and secured by a mortgage on the land, as required, the land bid off by him must be immediately resold, if practicable, but if not practicable to make the resale at once, it may be resold at a future day, as if no sale had been made, but the requirements prescribed in the preceding section must be complied with *de novo*,

**633. Proceeds From Sales: Disposition Of.**—The proceeds arising from such sales, after the payment of all proper costs and expenses thereof, shall be, by the State Superintendent, paid into the State Treasury to the credit of the Counties, townships, or school districts to which the same may belong in the proportion of their interests therein, so as to carry out the objects and purposes of the original grant, or laws by which such lands were acquired for school purposes, as nearly as practicable under the existing school laws.

**634. Notes for Purchase Price Held By Superintendent.**—All notes taken by the State Superintendent of Education for the purchase of such lands must be secured by mortgage and must be held by him until the same are due, and if not then paid, may be placed with the Attorney General for collection.

**635. Sales of School Lands: When Made: Terms of Sale.**—Such sales may be made from time to time, at public or private sale, as in the judgment of the State Superintendent of Education shall best promote the interests of the school fund of the State, and shall be for cash, or part cash and part on time, as the State Superintendent of Education and the Governor may deem best; but in no case shall there be less than one-fourth of the purchase money paid in cash, and the remainder may be payable in yearly installments to extend over a period of not more than three years, and shall be secured by notes with securities and by mortgage on the land to be approved by the State Superintendent of Education, and shall bear interest from the date of sale.

**636. Reserved Lots of School Lands.**—The State Superintendent of Education may select such lots as he thinks proper, to reserve from cultivation for the benefit of the timber thereon, and must mark the same "reserved" on the plat thereof.

**637. Timber On Reserved Lots Not To Be Injured.**—The lots reserved for timber are for the common benefit of the lessees of the other lots; but no timber must be cut down,

injured or destroyed, as long as there is sufficient on the other lots, which the State Superintendent of Education is to determine; but the lessees must in no case cut down, injure or destroy such timber without permission from the State Superintendent of Education, which may be given on such terms as he may think proper, having due regard to the interest of the township or district.

**638. Penalty for Injury to Timber On Reserved Lots.—**

Any person who, without authority, cuts down, boxes, injures or destroys any tree on school lands shall forfeit and pay for every such tree the sum of twenty-five dollars, to be recovered before any Court having jurisdiction in the name of the County Board of Education for the school located in the township in which such lands are located, or the school district in which such lands are located.

**639. Disposition of Fines and Forfeitures.—**All fines and forfeitures under the preceding section shall be paid into the State Treasury, and added to the credit of the permanent sixteenth section fund of the township.

**640. Certificate of Purchase: When Given.—**The State Superintendent of Education, on receiving from the purchaser the cash payment, and his notes and mortgages for the deferred payments, must give to him a certificate of purchase, describing the lands purchased, and showing the number of acres and the amount of purchase money.

**641. Certificate of Purchase: Conditions of.—**Such certificate conveys to the purchaser, his heirs, or assigns, a conditional estate in fee, to become absolute on the payment of the purchase money and interest, and to revert to the State for the uses originally granted in the following cases: 1. When all the notes have become due, and the makers have left the State or died insolvent. 2. When a recovery on such notes is defeated by any defense avoiding the contract of sale. 3. When a recovery is had against all the makers, and execution has been returned "no property," by the proper officer of the County in which the township or district lies;



or when judgment is had and execution returned against any one or more of such makers "no property" and the others have left the State, or died insolvent.

**642. Title to School Lands: When Revests in State.**—No proceeding is necessary to revest the title in the State on the happening of the events specified in the preceding section, but such lands may be recovered in the name of the State, for the use of township or district, against any person in possession of the same, upon proof of the facts; and it is the duty of the Clerk of the Court in which the suit is pending, or the judgment recovered, to certify the facts to the State Superintendent of Education, on the happening of the events specified in the second and third sub-divisions of the preceding section, and failing to do so within a reasonable time, he forfeits the sum of one hundred dollars; one-half to the person suing for the same, and the other half to the State for the use of the schools of the township or district. When no money is recovered in suits on notes for purchase money of school lands, no costs must be taxed against the township or district for such suits.

**643. Certain Moneys Added to Sixteenth Section Fund.**—The amount received by the State upon recoveries had under the last preceding section is to be added to the credit of the permanent sixteenth section fund of the township.

**644. When Patent Issued.**—A patent issue, on the payment of the purchase money, to the purchaser, his heirs, or assigns, and when the patent is to the heirs, it vests a title in all persons entitled to claim in that capacity under the provisions of the Code of Alabama.

**645. When Secretary of State Issues Patent.**—The Secretary of State must issue patents, upon satisfactory evidence furnished him of full payment of purchase money to any person, agent, or other officer legally authorized to receive such payment; and upon proof of a mistake in the issue of any patent, he must correct the same or issue a new patent on the return of the original to his office.

**646. No Patent Issued Without Certificate of Superintendent.**—Except under the provisions of the preceding section, no patent must issue without the certificate of the State Superintendent of Education that the whole amount of the purchase money specified in the certificate, with all interest thereon, has been paid.

**647. When Notes Placed With Attorney General For Collection.**—All notes for school lands held by or deposited with the State Superintendent of Education, if not paid within six months after maturity, must be placed with the Attorney General for collection; but this section shall not be so construed as to prevent the State Superintendent of Education from ordering suit on notes at any time after maturity, when so ordered by the sureties on the notes.

**648. Agents May Be Appointed to Map School Lands.**—The State Superintendent of Education may appoint agents for surveying, mapping, or plotting school lands, for estimating the timber or minerals thereon, and for the performance of such other duties, as may be assigned them by the State Superintendent of Education for the protection of the best interests of the schools, and for the collection of notes for purchase money of land, being responsible for any neglect on the part of such agents.

**649. Collections On School Lands Paid Into Treasury.**—All collections on notes given for the sale or lease of school lands must be paid into the Treasury of the State, to the credit of the proper township or district.

**650. State Pledged to Pay Interest On School Land Funds.**—All funds now in the State Treasury derived from the sale of sixteenth section or other school lands, or which may hereafter accrue from sale of such lands, together with the redemption money of other lands in which former accumulations have been invested under an Act approved March 1, 1881, entitled "An Act to authorize the compromise and settlement of claims for school lands in this State," are covered into the State Treasury and made available for general pur-

poses, and the faith and credit of the State is pledged for the payment of the interest on such fund to the public schools of the State, at the rate of six per centum per annum.

**651. School Lands May Be Leased.**—The State Superintendent of Education, with the approval of the Governor, may lease out all or any of the school and indemnity lands for a term not exceeding five years, or may enter into a contract or contracts permitting persons to mine all coal or other minerals therefrom, or to take therefrom oil or gas or either, upon a royalty for a term not exceeding twenty years; and the net proceeds of all money received from the lease of such lands or the royalty for the minerals mined therefrom or the oil and gas or either, taken therefrom, shall be paid into the State Treasury monthly to the credit of the townships to which such lands belong in the proportion of their interest therein.

**652. When Title Acquired By Adverse Possession.**—When a person is in possession of any sixteenth section lands under color of title, and has been in such possession for more than twenty years prior to the first day of May, 1908, and neither the State, nor any department thereof holds any note, bond, obligation or other contract of anyone for the purchase money of such land, and the State Superintendent of Education, and the State Auditor shall so certify, and the Attorney General shall certify that proof of adverse possession, by the person now in possession, or coupled with his predecessor in possession, for twenty years prior to May first, 1908, under color of title, has been made, which proof is satisfactory to the Attorney General, the Secretary of State must issue a patent, in the name of the State to such land, to the person entitled thereto under this article.

**653. Board of Compromise of School Lands.**—The Governor, State Superintendent of Education, and Attorney General are constituted a Board of Compromise for the purpose of examining into the title or claim of the State to any sixteenth section or other school lands which have illegally passed out of the possession of the State, or which have here-

tofore been disposed of by the State and not paid for. The Board may take all action necessary to recover any such lands, or if deemed best, may settle and compromise any conflicting claims thereto between the State and persons claiming the land. When any compromise or settlement is made the Secretary of State shall, upon the order of the Board of Compromise, issue patents to the land the claims to which have been so compromised.

654. **Township Lines Abolished.**—Township lines for school purposes are abolished; but the inhabitants of no township shall be deprived of the sixteenth section or any fund arising therefrom, or of selling and leasing such lands as provided by law.

## ARTICLE XLIII

### Alabama Vocational School For Girls.—Sections 655-656.

655. **Name of School Changed.**—The name of the "Mercy Home Industrial School for Girls," located at Birmingham, Alabama, is changed to the Alabama Vocational School for Girls.

656. **Appropriation For School.**—The sum of six thousand three hundred and twenty dollars is appropriated annually out of any monies in the State Treasury, for the support, maintenance and improvement of the Alabama Vocational School for Girls, located at Birmingham, Alabama, beginning July 1, 1919, and the State Auditor shall draw his warrants on the State Treasury, in favor of the treasurer of the Alabama Vocational School for Girls, for the payment, quarterly, in advance, in each year, of the sum hereby appropriated for the maintenance of said school. The sum of six thousand three hundred and twenty dollars shall be paid annually, as provided in this section, and is to be in lieu of and not in addition to the sum of five thousand dollars heretofore appropriated annually under existing law.



## ARTICLE XLIV.

## State Training School For Girls.—Sections 657-688.

657. **State Training School For Girls Created.**—There is created and established, under the care of the State, a reformatory, under the name and style of State Training School for Girls, for wayward and delinquent white girls as hereinafter specified.

658. **Board of Managers Established.**—There is created and established a Board of Managers of said State Training School for Girls, which said Board shall consist of twelve women besides the Governor and Attorney General of the State, who shall be ex-officio members thereof. The women constituting the first Board of Managers shall be nominated by the Governor and confirmed by the Senate and those thus nominated and confirmed shall hold, three for two years, three for three years, three for four years and three for five years, or until their successors are elected and qualified; those holding for these respective terms to be designated by the Governor in making nominations to the Senate. Thereafter the women members of said Board shall be elected by the continuing members at the expiration of their respective terms, and all vacancies caused by death, resignation or otherwise shall be filled by said Board. The terms of office of each of said members after the expiration of the first term shall be four years, or until their successors are elected and qualified.

659. **Board of Managers May Be Reduced.**—Upon the resignation of any woman member of the Board of Managers of said institution, or at the expiration of the term of any such member thereof, the Board of Managers may refrain from electing successors thereto in such manner and to such extent, however, as not to reduce the Board of Managers, exclusive of the Governor and Attorney-General, below seven in number, and in the filling of any vacancy occurring on the Board that may be filled by the Board of Managers, men may be eligible thereto.

**660. Authority of Board of Managers.**—The Board of Managers shall elect a President, Vice-President, Secretary and Treasurer, and such other officers, agents and employees which the Board deem necessary or expedient, whose terms of office or employment shall be for such time as the Board may prescribe; and said Board shall have the power to remove any such officer, agent or employee at any time, with or without cause; and said Board shall also have power to fill all vacancies occurring in any of such offices.

**661. Meeting of Board of Managers.**—The Board of managers shall have power to make such rules and regulations, not inconsistent with the laws of the State, as shall be necessary and expedient for the government and management of said schools, and of its officers, agents, employees and inmates, with power to change, alter, modify or repeal such rules and regulations. The Board of managers shall meet at least once a year at the school, and special meetings may be held at the call of the President, or of the Governor, or of a majority of the women members of the Board, upon notice given to the members of the Board. The said Board of managers may further provide for other regular and special meetings, as they may deem necessary, to be held by the whole Board or by the women members thereof.

**662. Annual Report To Governor Required.**—The Board of Managers shall make annual reports to the Governor showing receipts and expenditures, with such other information as to the condition of the institution and results obtained, that may be interesting and useful to the public.

**663. Delinquent Girls Cared For.**—The Board of Managers in carrying out the purposes for which said school is established, so far as its available resources will allow, shall receive, care and provide for the welfare therein of all white delinquent girls between the ages of nine and eighteen years, who by their course of conduct are likely to become hurtful to the State or to the best interests of society, but who may be benefited by the said school and not be disturbers of its discipline, and who are to be committed to the keeping of said

school under the provisions of this chapter. The restriction of the age limit between nine and eighteen years shall not preclude the Board of Managers, for special reasons in particular cases, to be judged by the Board and Superintendent of the school, from receiving such girls who would in their judgment be benefited by the school and whose cases would come within the scope of its purpose and work, after such case has been investigated and commitment made by Court, although such girls may be slightly under or slightly over such age limit above defined.

664. **Ages of Girls Admitted.**—The ages at which white girls shall be committed to the State Training School for Girls shall be between the ages of nine and eighteen years inclusive, and such shall be received only upon an order of Court.

665. **Commitment By Whom: Who Committed.**—Any Justice of the Supreme Court, Judge of the Court of Appeals, Judge of Probate, Circuit Judge, or Judge of any Criminal Court or other Inferior Statutory Court of this State, or any Municipal Court, or Judge thereof, or City Recorder in any Town or City of this State, may cause to be brought before him, upon his own motion or the sworn complaint of another, any white female between the ages of nine and eighteen years of age, who may fall within any of the following descriptions: 1. Any who have been abandoned by their parents, or who have no visible means of support who are leading an immoral or profligate life. 2. Any who are orphans and have no sufficient or appropriate guardianship to care for their physical, mental and moral welfare, and who are leading an immoral or profligate life, or are associating with immoral or profligate persons. 3. Any who parents are both drunkards, or whose mother is a drunkard or lewd, and such girl is not supported or controlled and is likely to become a charge upon the public, or fall into immorality and profligacy. 4. Any who shall have been arrested and brought before Police Courts or other Inferior Criminal Courts or Magistrate for petty offenses indicative of an immoral or profligate life, and who shall appear to be beyond

the control of the parent or other persons having such female in charge. 5. Any such girl under eighteen years old who is a prostitute or frequents disorderly houses or houses of prostitution and who is not mentally or physically incapable of being substantially benefited by the discipline of said training school. 6. Any girl between the ages of nine and eighteen years who is a vagrant as defined by the laws of the State.

**666. When Girl Committed.**—Upon any such girl being brought before any of the judicial officers mentioned in the preceding section, the latter shall proceed forthwith, or at such time as he may appoint, to investigate the conditions and surroundings of such girl, and if upon such investigation, he shall be satisfied that the said girl comes within any one of said descriptions and that it would be to her best interest to be committed to such training school, he shall make an order to that effect and commit such girl to said institution, to be held and taken care of and disciplined and instructed in accordance with its rules and regulations. At any such investigation, the judicial officer shall allow any one to appear for such girl and resist such commitment; and he shall not make any such commitment if the parent, guardian or a person who is related to said girl within the fourth degree of consanguinity and sufficiently qualified in his opinion to take care of and provide for such girl, shall appear and agree in writing to take care of and provide for such girl and properly instruct her until she arrives at the age of eighteen years.

**667. Appeal From Order of Commitment.**—Any girl brought before any judicial officer for such commitment, or any person for said girl may, within five days, appeal from the decision of the Judge committing her, to the Circuit Court or other Court of like jurisdiction held in the County in which such investigation is had, upon giving bond, with sufficient surety, to be approved by the Judge and in such sum as may be fixed by him, to have such girl forthcoming when said appeal is heard; and if the appeal be taken by any person for the girl, the bond shall further provide for the mainten-



ance of the girl until such appeal is disposed of. If upon the hearing of such appeal, the decision of the Judge causing the commitment is sustained, the girl shall be committed by the Court to said school; but if his decision shall not be sustained, the girl shall not be so committed. The Judge before whom the said investigation is made or to be made shall have power to use all processes that may be necessary to have the girl brought before him for commitment, and such process shall be executed by the Sheriff or any Constable of the County.

**668. Time Person Committed Retained.**—Any girl committed to said school under the provisions of this article shall be kept there until she arrives at the age of twenty-one years, unless paroled or discharged therefrom by order of the parole committee of which the Superintendent shall be a member. Such girl shall remain a ward of the school until she is twenty-one years of age, and shall be returned to said school without warrant for her arrest, if she does not meet the conditions of her parole, there to remain unless re-paroled or discharged, until she is twenty-one years of age.

**669. Ex-Officio Members Required to Visit School.**—The ex-officio members of said Board of managers shall visit, at least once a year, the training school, and examine into its condition, and at each session of the Legislature shall make a report to that body, touching such school, its management and condition.

**670. Ages of Girls Admitted Or Committed.**—Any white girl between the ages of nine and eighteen years who shall have been tried and convicted in any Court of this State of the offense of being a common prostitute or frequenting disorderly houses or houses of prostitution, or of vagrancy, or of a misdemeanor, or a violation of a City Ordinance, or who is mentally and physically capable of being substantially benefited by the discipline of said school, may, if in the opinion of the Judge it shall be to the interest of the girl to be committed to the said school.

**671. Age Determined at Time of Commitment.**—Any judicial officer committing any girl to said training school under the provisions of this article shall inquire into and determine the age of such girl at the time of commitment, and her age as so determined shall be stated in the warrant; and the statement of the age of such girl in the warrant shall be presumptive evidence thereof in any other inquiry or proceeding relating to said detention or imprisonment of such girl.

**672. When Girl Committed to School Returned.**—Whenever it shall appear to the satisfaction of the Board of Managers of said school that any girl committed thereto is not of proper age to be so committed, or is not properly committed, or is mentally, morally or physically incapable of being substantially benefited by the discipline of the school, the Board of Managers shall cause the return of such girl to the County from which she was committed and shall cause her to be delivered to the custody of the Sheriff of said County, who shall take such girl before the Magistrate or Court making the commitment, to be by the said Magistrate re-sentenced for the offense for which she was committed, or dealt with in all respects as if she had not been so committed; or in other than judicial commitments heretofore made may discharge her or require the parent or guardian to remove her from the school.

**673. School Given Control of Girls Committed Thereto.**—From the time of the lawful reception of any girl in the said training school and during her stay therein, said school shall have exclusive care, custody and control of said girl, under the rules and regulations prescribed by the Board of Managers, and any commitment under the provisions of this article, or under any prior law, shall be full, sufficient and competent authority to the officers and agents of said school for the detention and keeping therein of the girl so committed; and if any girl so committed shall escape, the Board of Managers may cause her to be re-arrested and returned to the school, to be there detained as hereinabove provided. Justices of the Peace or Judges of Inferior Criminal Courts may

cause escaped inmates to be arrested and held in custody until they can be removed to the school, as in case of first commitment thereto; and all process in such cases may be executed by the Sheriff or any constable of the County, and any person employed by the Board of Managers for such purpose may arrest without warrant an escaped inmate in any County of the State, and shall bring her forthwith to the training school from which she escaped.

674. **When Girls Received.**—The Board of Managers shall, as far as their means allow, and subject to the qualifications of this article, receive and take into their custody in said school all girls committed thereto by competent authority or received therein as prescribed by this article, and shall cause them to be instructed and trained in such manner, according to their years and capacities, as will tend to improve them, mentally, morally and physically and make them useful members of society.

675. **Appropriation For Grounds.**—There is appropriated out of any money in the State Treasury not otherwise appropriated the sum of fifty thousand dollars to be expended by the Board of Managers of said institution subject to the approval of the Governor and Attorney General, in providing suitable grounds or lands, and for the erection thereon of an administration building and dormitories on the cottage plan, and other school and farm buildings, or any of them, and for furnishing and equipping the same for the needs of said training school, which shall be located on the grounds or lands to be selected by the said Board of Managers with the assistance and advice of and subject to the approval of the Governor and Attorney General.

676. **Sale of Property Owned By School.**—The Board of Managers, with the advice and approval of the Governor and Attorney General, may sell or exchange the present property of said training school located at East Lake, a part of Birmingham, as well as the property in Jefferson County, known as the Clark property heretofore conveyed to the State, and may make such sale or exchange at such price and

on such terms as said State Officers may approve for the benefit of said school, and thus make the property or proceeds thereof available for the benefit of said school, and in securing more adequate buildings and proper facilities. Upon making such sales or exchanges, the necessary conveyances may be made by patents issued under the seal of the State, signed by the Governor and attested by the Secretary of State.

**677. Treasurer Required to Give Bond.**—The Treasurer of said training school, before entering upon the duties of said office, shall execute bond, payable to the State of Alabama, with good and sufficient sureties, in such sum as the Board of Managers may prescribe, and with condition to faithfully discharge the duties of the office and to honestly and faithfully account for all funds that may come into his hands as such Treasurer.

**678. County Pays Expense of Removal.**—It shall be the duty of each County, when a girl is committed to the State Training School for Girls from said County, to pay any and all expenses incident to removing said girl from the County to said institution.

**679. Girls Classified.**—It shall be the duty of the Superintendent of said school to make a careful classification of girls of said school, according to their character and conduct, and to train and educate them in groups, according to such classification, as nearly as can be done.

**680. Separation of Diseased Girls.**—The Superintendent of the school, when girls who are committed to said institution are found to be diseased, or pregnant, may separate or remove them from the institution and keep them at another place to be designated by the Board of Managers, upon approval of the Governor, until, in the opinion of the Superintendent, they are in condition to return to said school, and they shall receive the same maintenance, while so being cared for, that they receive at said school.



681. **Appropriation For Maintenance.**—There is appropriated out of the Treasury of Alabama for the support and maintenance of the State Training School for Girls the sum of twenty-five dollars per month for each inmate in said training school; the appropriation to be paid quarterly in December, March, June and September of each year. The State Auditor shall draw his warrant on the Treasurer in favor of the Treasurer of said State Training School for Girls quarterly for the payment of the amount hereby appropriated, and the Treasurer or other officer of said school shall make an affidavit at the end of each quarter showing the number of inmates in said school on that date, and the number so ascertained shall be on the basis upon which the appropriation herein made shall be calculated and paid.

682. **Location of School May Be Removed.**—The State Board of Administration, with the approval of the Governor, may remove the State Training School for Girls from its present location and re-locate the same at some place as is best suited for such institution, and may sell or exchange the present property of the State Training School for Girls which is known as the "Matsuyama Place" and is about eighteen miles northeast of Birmingham, Alabama, and may make such sale or exchange at such price and on such terms as they may deem best and expedient.

683. **Proceeds Received From Sale of Property: Use Of.**—The property or proceeds received from such sale or exchange may be used by the State Board of Administration, with the approval of the Governor, for the benefit of said school in making a re-location thereof, and securing more adequate buildings, lands and facilities.

684. **Conveyance of Property.**—In the event of the sale of said property, it shall be conveyed by patent issued under seal of the State, signed by the Governor and attested by the Secretary of State.

685. **Appropriation For Building.**—There is appropriated out of any monies in the State Treasury not otherwise

expended the sum of seventy-five thousand dollars to be expended by the State Board of Administration for the benefit of the State Training School for Girls, subject to the approval of the Governor and the Attorney General of this State. The appropriation is for the purpose of constructing, erecting, repairing, or improving houses, buildings, or structures for the said Training School for Girls. The money hereby appropriated shall be paid out of the State Treasury only upon the warrant of the State Auditor, which warrant shall be drawn only upon the order or orders of the Board of Managers of the State Training School for Girls, which shall be approved by the Governor and the Attorney General of this State.

**686. Appropriation For Doctors, Nurses, Etc.**—The sum of five thousand dollars is appropriated, annually, out of any monies in the State Treasury, not otherwise appropriated, for employing a physician and assistants, and nurses, and to provide necessary medical and surgical supplies and appliances for the inmates of the Alabama Boys Industrial School, the State Training School for Girls, and the Alabama Vocational School for Girls, beginning October 1, 1920.

**687. Employment of Physicians.**—The State Board of Administration shall employ such physicians and assistants, and such nurses, and from time to time cause to be purchased such medical and surgical supplies and appliances as may be necessary to carry out the provisions of the preceding section as hereinbefore set out.

**688. Appropriation Paid Monthly.**—The State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer in favor of the chairman of the State Board of Administration, monthly, for the amounts for which the requisitions are made, for carrying out the provisions of the two preceding sections as hereinbefore set out.

## ARTICLE XLV.

**Alabama Boys Industrial School.—Sections 689-708.**

689. **Establishment of School.**—There is established an industrial school under the name and style of "Alabama Boys Industrial School" which is a body corporate, and, as such, shall have perpetual succession, may sue, and may have and use a common seal, which it may change or alter at its pleasure, and may acquire by purchase or by condemnation proceedings in the Probate Court of Jefferson County, in the name of the State of Alabama, such property, real and personal, as may be necessary or proper for its purposes, and may have and exercise all such powers and privileges as may be necessary or proper for carrying out the purposes of its organization, as herein declared. Nothing in this chapter contained shall be construed to classify this school as a penal institution.

690. **Board of Directors Control School.**—The business, property, and affairs of the Corporation shall be under the management and control of a Board of Directors, which shall consist of seven women and the Governor, the State Superintendent of Education, the Commissioner of Agriculture and Industries, and the Attorney-General of the State, who shall be ex-officio directors. The women constituting the first Board of Directors shall be nominated by the Governor and confirmed by the Senate, and those thus nominated and confirmed shall hold, two for two years, two for four years, and three for six years; those holding for these respective terms to be designated by the Governor in making nominations therefor to the Senate. Thereafter the women members of said Board shall be elected by the continuing members thereof at the expiration of their respective terms; and all vacancies caused by death, resignation or otherwise, shall be filled by the Board. The term of office of each member of the Board, after the expiration of the first term, shall be for six years.

691. **Authority of Board of Directors.**—The Board of Directors shall elect a President, Vice-President, Secretary and Treasurer, and such other officers, agents and employees as to them shall seem necessary or expedient, whose term of office or employment shall be for such time as the Board may prescribe; and the Board may remove any such officer, agent, or employee at any time, with or without cause. The Board may also fill all vacancies occurring in any such offices.

692. **Rules for the Regulation of School.**—The Board of Directors may make such by-laws, rules and regulations, not inconsistent with the laws of this State, as shall be necessary or expedient for the government and management of said institution, and of its officers, agents and employees, with power to alter, modify, change, or repeal the same.

693. **Meetings of Board of Directors.**—The Board shall meet annually, at such time and at such place as may be prescribed by the by-laws; and the special meetings may be held at the call of the President, or of the Governor, or of a majority of the women directors, upon such notice as may be prescribed by the by-laws.

694. **What Boys Admitted to School.**—Said school shall receive, care and provide for the welfare of white boys between the ages of six and eighteen, who, by their course of conduct or surroundings, are likely to become base or criminal, or hurtful to the State or the best interests of society, to be committed to the keeping of said school under the provisions of this chapter, or who may be voluntarily committed to its keeping by the parent or parents, or person having them in charge, or who, having no parent, guardian, or other person to care for them, voluntarily commit themselves to its keeping.

695. **Boys Committed to School; By Whom Committed.**—Any Justice of the Supreme Court, Judge of the Court of Appeals, Judge of Probate, Circuit Judge, or Judge of any Criminal Court of this State, may cause to be brought before him, on his own motion or the sworn complaint of another, any white boy between the ages of six and eighteen years



who may come within any of the following descriptions, to-wit: Any white boy who is begging, or any one who is offering for sale or selling anything as a mere cover for begging. Any who have been abandoned by their parents, or who have abandoned their parents and homes, and have no visible means of support. Any who do not attend the public schools and idle away their time in the streets without any actual occupation or means of support. Any who are orphans, and have no sufficient or proper guardianship to care for their physical, moral, and mental welfare, to insure the child against pauperism and crime. Any who may be found destitute, or whose parents are both drunkards, or whose mother is a drunkard, lewd, or in prison; and such child is not supported and controlled. Any who shall have been arrested and brought before Police Courts repeatedly for petty offenses, and shall appear to be beyond control of parents. When any such child is brought before such judge, he shall proceed, at such time as he may appoint, to investigate the condition and surroundings of such child, and upon such investigation, if he shall be satisfied that the child comes within any one of said descriptions, and that it would be for the interest of such child that he be committed to said institution, he will make an order to that effect and commit the child to said institution, to be held and provided for under its rules and regulations. At any such investigation, the Judge holding the same shall allow any one to appear for the child and resist such commitment; and he shall not make any such commitment if the parent, guardian, or a person who is related to the child within the fourth degree, and sufficiently qualified in his opinion to take care of and provide for the child, will appear and agree in writing to take care of and provide for the child until he shall arrive at the age of sixteen years.

**696. Appeal From Order Committing.**—Any child brought before any Judge for such commitment, or any person for such child, may, within five days, appeal from the decision of the Judge committing him, to the Circuit Court held in the County in which such investigation is had, upon

giving bond, with sufficient sureties, to be approved by the Judge, and in such sum as may be fixed by him, to have the child forthcoming when the appeal is heard; and if the appeal be taken by any person for the child, the bond shall further provide for the maintenance of the child until said appeal is disposed of. If, upon the hearing of the appeal, the decision of the Judge causing the commitment is sustained, the child shall be committed by the Court to said institution; but if that decision is not sustained, the child shall be discharged. The Judge before whom such investigation is made, or to be made, may issue all process that may be necessary to have the child brought before him, or for commitment; and such process shall be executed by the Sheriff of the County.

**697. Retention of Boys Committed to School.**—Any child committed to said institution under the provisions of this chapter shall be kept therein until he arrives at the age of twenty-one years unless sooner dismissed therefrom by the order of the Board of Directors, or in pursuance of any by-law of the institution, or by the order of the Governor of the State.

**698. Ex-Officio Members of Board Required to Visit School.**—The ex-officio members of the Board shall at least once a year visit the institution and examine into its management and condition; and at each session of the Legislature, they shall make to that body a report touching the institution and its management and condition.

**699. Ages of Boys Who Must Be Committed to School.**—When any white boy between the ages of seven and sixteen years shall have been tried and convicted of any crime punishable by imprisonment in the penitentiary, or in jail or by hard labor for the county, before any court of this State, the court may, if of the opinion that the best interests of the child would thereby be promoted, sentence such child to commitment to said school, in lieu of such imprisonment, or hard labor for the county.

**700. Boy May Be Received Without Commitment By Court.**—Said institution may, in its discretion, receive any child placed in its care and keeping by its parent or parents,

without the authority of any Court, and may keep said child until it is twenty-one years of age; but this shall not be done without first making provision for the maintenance of said child under the rules and regulations of said institution.

**701. Exclusive Control of Boy Vested in School.**—From the time of the lawful reception of any child into the institution, and during its stay, said institution shall have the exclusive care, custody and control of the child, under such rules and regulations as the Board of Directors may provide.

**702. Courses of Study.**—The officers of said school shall receive and take into it all children committed thereto by competent authority, or received therein as aforesaid, and shall cause all children in the school to be instructed in such branches of useful knowledge as may be suited to their years and capacities. The boys shall be taught such useful trades as the Board may direct, and they shall be taught according to the course of the public schools of the State.

**703. Treasurer: Bond Required Of.**—The Treasurer of the school shall, before entering upon the discharge of the duties of office, execute bond payable to the "Alabama Boys' Industrial School" with good and sufficient sureties, and in such sum as the Board of Directors may prescribe and with condition to faithfully discharge the duties of his office.

**704. Authority For Detention.**—Any commitment under this chapter, whether by Judge, Court, or parent, or other person having in charge the child, shall be full, sufficient and competent authority to the officers and agents of said school for the detention and keeping therein of the child so committed.

**705. Convicts Kept Separate From Others.**—Provision shall be made for the care of convict children, separate and apart from the other children, so far as the same can be done with the means at hand.

**706. Sale of Lands.**—The President of the Board of Directors or other governing body of the Alabama Boys' Industrial School, located at or near Birmingham, Alabama, may sell and convey land belonging to said school, and not necessary for its use, which said sale shall be first approved by the Directors or other governing body of said school, and also by the then Governor of the State of Alabama.

**707. Basis of Appropriation.**—The annual Legislative appropriation for the support and maintenance of the Alabama Boys' Industrial School shall be based upon an affidavit of the Treasurer or other executive officer of said school made at the beginning of each quarter, showing the number of inmates of said school during the preceding quarter. The State Auditor shall draw his warrant quarterly on the State Treasurer in favor of the Treasurer of the Alabama Boys' Industrial School for the payment of said amounts. Any special Legislative appropriation for the purchase of land, for the erection and equipment of buildings, or for any other purposes shall be paid out under the authority of the Board of Directors, and the State Auditor may draw his warrant on the State Treasurer for the amounts of said appropriations upon requisition of the Governor.

**708. Appropriation For Maintenance.**—The sum of two hundred and forty dollars per year for each inmate of the Alabama Boys' Industrial School is appropriated out of any money in the State Treasury, not otherwise appropriated for each of the years of the quadrennium beginning October 1, 1923, and ending September 30, 1927.

## ARTICLE XLVI.

**Alabama Reform School For Juvenile Negro Law Breakers.**—  
Sections 709-720.

**709. Trustees: Appointment: Authority.**—The Alabama Reform School for Juvenile Negro Lawbreakers, located at Mt. Meigs, Montgomery County, Alabama, shall be governed and controlled by a Board of Trustees composed of the



Governor, the State Superintendent of Education and seven other Trustees; five of whom may be negro women who are interested in the proper education and training of juvenile negro law breakers, to be appointed by the Governor by and with the advice and consent of the Senate.

**710. School Constituted a Corporation.**—The school shall be a Corporation named and called The Alabama Reformatory School for Juvenile Negro Law Breakers, and by that name may acquire and hold real and personal property, contract and sue, and have all other powers necessary for conducting such an educational institution.

**711. Purpose of School.**—The school is established for the proper education and training of juvenile negro law breakers, as may be lawfully committed to it. The course of instruction in the school shall include a common school education, with a thorough training in agriculture and industries, and giving special attention to moral training so as to make him a self-respecting, industrious, good citizen. No criminal over the age of fifteen years shall be admitted to said institution.

**712. Acceptance of Property Near Mt. Meigs.**—The Board of Trustees accepts the land and buildings at Mt. Meigs where the reformatory is now located, and known as the "Reformatory for Negro Boys," under the management of the State Federation of Colored Women's Clubs, incorporated under the laws of Alabama. The Board of Trustees shall take care of the property and school and manage and control it under this article.

**713. Trustees: Terms of Office Of.**—The term of office of two of the men and two of the women first appointed under this article, shall expire on Monday after the second Tuesday in January, 1913, and their successors shall hold the full term of eight years. The other Trustees appointed under this article shall hold office of Trustees until Monday after the second Tuesday in January, 1915, and their successors shall hold office for a term of eight years. If any Trustee should

die, or resign, the Governor shall appoint a successor to hold for the unexpired term. All Trustees for the school shall be appointed by the Governor by and with the consent and advice of the Senate.

**714. Selection of Officers and Faculty.**—The Trustees shall have the power to govern and control the school in all things, to prescribe the qualifications of the officers and teachers, fix their terms of office, and elect them to and remove them from office whenever the good of the school requires it. They shall have the power to require of any officer or agent of the school a bond and the power to fix the penalty and prescribe the conditions thereof.

**715. What Boys Received By School.**—The authorities of the school shall receive every negro boy who may be committed to it by an order or judgment of any Court of Record of the State of Alabama and support, govern and teach the boy until he shall be of the age of eighteen years or legally discharged from the school.

**716. Additional Lands May Be Purchased By Trustees.**—Inasmuch as the Trustees have accepted a proper deed from the "State Federation of Colored Women's Clubs," a corporation, to twenty acres of land and all improvements situated thereon, the said Trustees may buy such other lands and buildings in connection with said institution as they may deem proper, having regard to the healthfulness of the location, its surroundings, and accessibility to the railroad; and shall have authority to erect thereupon any and all buildings, structures or machinery of every kind, suitable and necessary for the use and maintenance of the school.

**717. Appropriation For Maintenance and Support.**—For the support and maintenance of the school there is hereby appropriated the sum of ten dollars per month for every boy lawfully attending and being instructed in the school, which shall be paid monthly upon the sworn statement of the President of the school and approved by the Governor, out of the State Treasury. The expenses for transporting such boy, in-

cluding the expenses of one guard, shall be paid out of the State Treasury upon the sworn statement of the President of the school and approved by the Governor.

**718. Rules and Regulation May Be Made By Trustees.**—The Board of Trustees in charge of said school may make all such rules and regulations as may be needful to the successful operation of said school and for the employment of all such guards as may be necessary in the successful management and control of said school, and may fix the salaries to be paid such guards and may limit the number thereof, which salaries shall be paid monthly upon the sworn statement of the President of the school and approved by the Governor, out of the State Treasury, and there is appropriated annually out of the State Treasury the sum of three thousand seven hundred twenty dollars, or so much thereof as is needed to carry out the provisions of this section.

**719. Disposition of Earnings.**—The earnings and all other revenue derived from whatever source, shall be delivered to the Board of Trustees and used by such Board for such purpose as such Board of Trustees may deem proper. Or such earnings may at the discretion of the said Board of Trustees, be paid in whole or in part, into the State Treasury.

## ARTICLE XLVII

### WHEN COUNTY PUPILS MAY ATTEND CITY SCHOOLS—SECTION 720

**720. When Pupils May Attend School in City When Reside In County.**—Any person residing in a County of over two hundred thousand population according to the last or any subsequent census, and who pays taxes on real estate situated in any Municipality in such County, which Municipality has over seventy-five thousand population according to the last or any subsequent Federal census, may, although not residing in such municipality, send his children to any public school of such Municipality upon the same terms, conditions and charges as if he resided within the corporate limits of said Municipality.





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# APPENDIX

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# APPENDIX

CONTAINING LAWS RELATING TO EDUCATION  
PASSED AT THE 1927 SESSION OF THE LEGIS-  
LATURE AFTER THE PASSAGE OF THE ALA-  
BAMA SCHOOL CODE ACT, APPROVED  
AUGUST 27, 1927; ALSO ACTS RE-  
LATING TO EDUCATION CON-  
TAINED IN THE CODE OF  
ALABAMA, 1923.

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## APPROPRIATIONS FOR THE SUPPORT, MAINTEN- ANCE AND DEVELOPMENT OF PUBLIC EDUCATION IN ALABAMA

(Unified Educational Program)

REGULAR SESSION, 1927.

No. 382)

(H. 318, Ward of Tuscaloosa

### AN ACT

In relation to the educational system of Alabama; to make appropri-  
ations and provide funds for the support, maintenance and develop-  
ment of public education in Alabama, including all schools, agencies,  
services and institutions under the general or direct control or  
subject to the rules and regulations of the State Board of Educa-  
tion, the Alabama School of Trades and Industries, the Alabama  
College, the Alabama Polytechnic Institute and the University of  
Alabama; and to prescribe conditions of apportionment and expen-  
diture of such funds or appropriations.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of the  
Treasury of the State to the State Board of Education for the  
year beginning October 1, 1927, and for each and every year  
thereafter the sum of Nine Hundred Thousand (\$900,000.00)  
Dollars, to be known as the Equalization Fund, which under  
the provisions of this Act shall be used exclusively for the  
equalization of educational opportunity in the public schools  
of the State.

Section 2. That in order to provide means for a better attendance and physical and health program there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter the sum of Eight Hundred and Fifty Thousand (\$850,000.00) Dollars to be known as the Attendance Fund, and to be expended in accordance with the provisions hereinafter set out in this Act.

Section 3. That there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter the sum of Eighteen Thousand, Three Hundred (\$18,300.00) Dollars, which shall supplement the present appropriation for rural school libraries and which shall be expended in accordance with existing law and the provisions of this Act.

Section 4. That in addition to the appropriations now authorized by statute for the support and maintenance of the institutions named in this Section there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter for each of the normal schools located at Florence, Jacksonville, Livingston and Troy the sum of Thirty-five Thousand (\$35,000.00) Dollars, and for the State Normal School for Negroes located at Montgomery, for the year beginning October 1, 1927, the sum of Twenty Thousand (\$20,000.00) Dollars, for the year beginning October 1, 1928, the sum of Forty Thousand (\$40,000.00) Dollars, and for each and every year thereafter the sum of Fifty-five Thousand (\$55,000.00) Dollars; and that for the development and maintenance of better and more equitable teacher-training conditions there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter, the sum of Two Hundred Thousand (\$200,000.00) Dollars to be known as the Teacher Training Equalization Fund, which shall be expended in accordance with the provisions hereinafter set out in this Act; provided that out of the

Teacher Training Equalization Fund the State Normal School located at Daphne shall, in addition to the appropriation now provided by law for support and maintenance receive for the year beginning October 1, 1927, the sum of Six Thousand (\$6,000.00) Dollars, for the year beginning October 1, 1928, the sum of Sixteen Thousand (\$16,000.00) Dollars, for the year beginning October 1, 1929, the sum of Twenty-one Thousand (\$21,000.00) Dollars, for the year beginning October 1, 1930, and for each and every year thereafter, the sum of Twenty-six Thousand (\$26,000.00) Dollars. Provided further that all appropriations made in any section of this Act for Daphne State Normal School shall not be available unless the town or community of Daphne first provides at its own expense a suitable building site of suitable acreage for said State Normal School, approved by the Governor, the State Superintendent of Education and the Chairman of the State Board of Administration, at the present site or some new site nearby the present site, and in addition, the town or community of Daphne shall make adequate provision for sanitary conditions, sewage disposal facilities, light, water, and a school district with a school population adequate for practice teaching facilities as required by the standards of the American Association of Teachers' Colleges; and provided that when these conditions or provisions have been fully met by the town or community of Daphne as determined by the judgment or opinion of the Governor, the State Superintendent of Education, and the Chairman of the State Board of Administration, the Governor shall authorize the release of the appropriations as provided in this Act for the State Normal School located at Daphne. Provided further that if the State Normal School is moved from its present site at Daphne, in accordance with the provisions of this Section, all appropriations made to the State Normal School at Daphne provided for in this Act or heretofore or hereafter provided by law for the support of the said institution shall be applied and used exclusively for the Daphne State Normal School as re-located and for the same purposes as provided for in the Acts making the appropriations. Provided further that the Thirty Thousand (\$30,000.00) Dollars raised by the town

or community of Daphne and paid into the school's treasury, in pursuance of an Act adopted the 29th day of September, 1919, reported Acts 1919, page 741, is to be used and is required to be used in assisting, or aiding the town or community of Daphne, in meeting or complying with the provisions and conditions imposed upon the said town or community of Daphne by this Act before the appropriations herein made for the Daphne Normal are to be released or made available for the use of said Daphne Normal, and nothing herein shall be construed to repeal the appropriations made by said Act of September 29, 1919, the condition therein made having been fully complied with.

Section 5. That there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter, the additional sum of Ten Thousand (\$10,000.00) Dollars for the operation and maintenance of the Agricultural and Mechanical Institute for Negroes located at Normal.

Section 6. That there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter, the additional sum of One Hundred Twenty-eight Thousand, Five Hundred (\$128,500.00) Dollars for the Rural School House Building Fund, which shall be expended in accordance with the present law and the provisions of this Act.

Section 7. That there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter, the additional sum of Thirty-seven Thousand, Five Hundred (\$37,500.00) Dollars for the Illiteracy Fund, which shall be expended in accordance with existing law and the provisions of this Act.

Section 8. That there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, the sum of One Hundred Thousand, Seven Hundred Six (\$100,706.00) Dollars; for the

year beginning October 1, 1928, the sum of One Hundred Fifty Thousand, Seven Hundred Six (\$150,706.00) Dollars; for the year beginning October 1, 1929, the sum of One Hundred Seventy-five Thousand, Seven Hundred Six (\$175,706.00) Dollars; for the year beginning October 1, 1930, and for each and every year thereafter, the sum of Two Hundred Thousand, Seven Hundred Six (\$200,706.00) Dollars, to be used in supplementing the funds already appropriated by Federal and State Acts for vocational Education and to be expended as authorized by present law and the provisions of this Act.

Section 9. That there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter, the sum of Four Hundred Eleven Thousand (\$411,000.00) Dollars, to be apportioned to the several counties of the State for the further support and maintenance of more nearly adequate high school facilities, and to be expended in accordance with the provisions hereinafter set out in this Act.

Section 10. That the two present annual appropriations to the Alabama School of Trades and Industries of Five Thousand (\$5,000.00) Dollars each are hereby continued; and in addition to these appropriations there is hereby appropriated out of the Treasury of the State to the State Board of Education for the further support and maintenance of the Alabama School of Trades and Industries, for the year beginning October 1, 1927, the sum of Twenty Thousand (\$20,000.00) Dollars, and thereafter there shall be an increase annually in the sum of Five Thousand (\$5,000.00) Dollars until the Aggregate Appropriations including the present annual appropriations of Ten Thousand (\$10,000.00) Dollars shall be Sixty Thousand (\$60,000.00) Dollars, which amount shall be and is hereby appropriated annually thereafter for said institution.

Section 11. That there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter, the further sum of Thirty-two Thousand, Five Hundred (\$32,500.00) Dollars, to be expended by the State



Board of Education in payment of certain salaries and expenses of executive, professional, and clerical employees of the State Department of Education, including salaries, expenses and costs of supplies heretofore paid out of the appropriation called the Revolving Fund.

Section 12. That there is hereby appropriated out of the Treasury of the State for the year beginning October 1, 1927, and for each and every year thereafter, to the Alabama College, the Alabama Polytechnic Institute, and the University of Alabama an amount equal to the appropriations made and available for these institutions for the fiscal year beginning October 1, 1926, which sums accrued in accordance with an Act approved September 24, 1923, and entitled an Act to make Appropriations to the Alabama College, the University of Alabama, and the Alabama Polytechnic Institute and as set out in prior Acts and that the monies herein appropriated shall remain the same annually to each Institution and shall be devoted by each of the said institutions to the same purposes and in the same amounts annually as provided by law; provided, however, that (1) the appropriation of Forty Thousand (\$40,000.00) Dollars made in lieu of the proceeds formerly received by the Alabama Polytechnic Institute from funds arising from the sale of fertilizer tags, which appropriations is made by Section 1911 of the Code of Alabama of 1907, and subsequent and prior Acts, and (2) the revenue heretofore received by said Institute by virtue of Section Six of Article Eighteen of the Act of 1923 known as the Agricultural Code and prior Acts, by which Acts said Institute received one-fourth of the proceeds accruing from the illuminating oil inspection fee, and (3) the revenue accruing to said Institute, by virtue of existing laws, from chemical analyses made for the Department of Agriculture and Industries, shall not be hereafter available, but shall be null and void, in the event that an Act (House Bill 725) introduced at the current session of Legislature of 1927, entitled, an Act to make appropriations to the Alabama Polytechnic Institute in lieu of certain other Appropriations and Revenues, the Benefit of which said Alabama Polytechnic Institute has heretofore received or secured is enacted into law, it being the intent of

said Act to readjust the aforementioned revenues in conformity to certain proposed Amendments to the Agricultural Code. Provided that nothing in this Act shall be construed as making duplicate appropriations for any of the purposes covered by acts or by code provisions which have been previously enacted or adopted by the Legislature or by any codification of laws which may hereafter be adopted by the present Legislature. That in addition to the foregoing appropriations provided for in this Section, there is hereby appropriated out of the Treasury of the State for further support and maintenance: To the Alabama College for the year beginning October 1, 1927, the sum of One Hundred Eighty-seven Thousand, Six Hundred Twenty-three (\$187,623.77) Dollars and Seventy-seven Cents, for the year beginning October 1, 1928, the sum of One Hundred Ninety-six Thousand, Seven Hundred Ninety (\$196,790.44) Dollars and Fourty-four Cents, for the year beginning October 1, 1929, the sum of One Hundred Ninety-eight Thousand, Six Hundred Twenty-three (\$198,623.77) Dollars and Seventy-seven Cents, for the year beginning October 1, 1930, and for each and every year thereafter the sum of Two Hundred Thousand, Four Hundred Fifty-seven (\$200,457.11) Dollars and Eleven Cents; to the Alabama Polytechnic Institute, for the year beginning October 1, 1927, the sum of Three Hundred Thirty-two Thousand, Six Hundred Five (\$332,605.78) Dollars and Seventy-eight Cents, for the year beginning October 1, 1928, the sum of Three Hundred Forty-eight Thousand, Eight Hundred Fifty-five (\$348,855.78) Dollars and Seventy-eight Cents, for the year beginning October 1, 1929, the sum of Three Hundred Fifty-two Thousand, One Hundred Five (\$352,105.78) Dollars and Seventy-eight Cents, for the year beginning October 1, 1930, and for each and every year thereafter, the sum of Three Hundred Fifty-five Thousand, Three Hundred Fifty-five (\$355,355.78) Dollars and Seventy-eight Cents; to the University of Alabama, for the year beginning October 1, 1927, the sum of Three Hundred Thirty-two Thousand, Six Hundred Five (\$332,605.78) Dollars and Seventy-eight Cents, for the year beginning October 1, 1928, the sum of Three Hundred Forty-eight Thousand, Eight Hundred Fifty-five

(\$348,855.78) Dollars and Seventy-eight Cents, for the year beginning October 1, 1929, the sum of Three Hundred Fifty-two Thousand, One Hundred Five (\$352,105.78) Dollars and Seventy-eight Cents, for the year beginning October 1, 1930, and for each and every year thereafter the sum of Three Hundred Fifty-five Thousand, Three Hundred Fifty-five (\$355,355.78) Dollars and Seventy-eight Cents; provided that of the amount of additional funds appropriated by this Act and made available for the Alabama Polytechnic Institute Twenty-five (25%) Per Cent shall be used for Agricultural research and Agricultural extension; provided further that of the amount of additional funds appropriated by this Act and made available for the University of Alabama Twenty-five (25%) Per Cent shall be used for medicine, extension and research.

Section 13. That there is hereby appropriated out of the State Treasury to the State Board of Education for the purpose of providing additions to grounds, buildings and equipment and for the payment of outstanding indebtedness incurred for capital outlay: . For the State Normal School located at Troy, the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1928, the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars for the year beginning October 1, 1929, and the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars for the year beginning October 1, 1930; for the State Normal School located at Florence the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1928, the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1929, and the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1930; for the State Normal School located at Jacksonville the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1928, the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1929, and the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1930; for the State Normal School located at Livingston the sum of One Hundred Thousand (\$100,000.00) Dol-

lars for the year beginning October 1, 1928, the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1929, and the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1930; for the State Normal School located at Daphne the sum of Fifty Thousand (\$50,000.00) Dollars for the year beginning October 1, 1928, the sum of Fifty Thousand (\$50,000.00) Dollars for the year beginning October 1, 1929, and the sum of Fifty Thousand (\$50,000.00) Dollars for the year beginning October 1, 1930; for the State Normal School located at Montgomery the sum of Fifty Thousand (\$50,000.00) Dollars for the year beginning October 1, 1928, the sum of Seventy-five Thousand (\$75,000.00) Dollars for the year beginning October 1, 1929, and the sum of Seventy-five Thousand (\$75,000.00) Dollars for the year beginning October 1, 1930; for the Alabama School of Trades and Industries located at Gadsden the sum of Seventy-five Thousand (\$75,000.00) Dollars for the year beginning October 1, 1928, the sum of Seventy-five Thousand (\$75,000.00) Dollars for the year beginning October 1, 1929, and the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1930; for the Agricultural and Mechanical Institute for negroes located at Normal the sum of Fifty Thousand (\$50,000.00) Dollars for the year beginning October 1, 1928, the sum of Fifty Thousand (\$50,000.00) Dollars for the year beginning October 1, 1929, and the sum of Fifty Thousand (\$50,000.00) Dollars for the year beginning October 1, 1930; provided that before the funds herein to be allocated to the Normal School located at Montgomery and to the Agricultural and Mechanical Institute located at Normal shall be paid out of the State Treasury, evidence must be submitted to the State Superintendent of Education showing that additional funds are available for these institutions from other sources for the purposes set out in this Act in amounts equal to one-half of that for which requisition is made; provided further that the appropriations set out in this section shall be paid quarterly, October 1st, January 1st, April 1st, and July 1st of each year; provided, however, that all appropriations made in this Section 13 to the State Normal School located at Troy, the State Nor-



mal School located at Florence, the State Normal School located at Jacksonville, the State Normal School located at Livingston, the State Normal School located at Daphne, the State Normal School for negroes located at Montgomery, and the Agricultural and Mechanical Institute for negroes located at Normal shall not be available, but shall be void in the event a Constitutional Amendment is submitted and ratified prior to October 1, 1928, making available funds for buildings or improvements for the above named schools or institutions.

Section 14. That there is hereby appropriated out of the Treasury of the State for the purpose of providing additions to grounds, buildings and equipment, and for the payment of outstanding indebtedness incurred for capital outlay: To the Alabama College the sum of Two Hundred Thousand (\$200,000.00) Dollars for the year beginning October 1, 1928, the sum of Two Hundred Thousand (\$200,000.00) Dollars for the year beginning October 1, 1929 and the sum of Two Hundred Thousand (\$200,000.00) Dollars for the year beginning October 1, 1930; to the Alabama Polytechnic Institute the sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars for the year beginning October 1, 1928, the sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars for the year beginning October 1, 1929, and the sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars for the year beginning October 1, 1930; to the University of Alabama the sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars for the year beginning October 1, 1928, the sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars for the year beginning October 1, 1929, and the sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars for the year beginning October 1, 1930; provided that the appropriations set out in this Section shall be paid quarterly, October 1st, January 1st, April 1st and July 1st of each year upon requisition of the proper official of each institution upon the Auditor who shall draw his warrant therefor; provided, however, that all appropriations made in this Section 14 to the Alabama College, the Alabama Polytechnic Institute and the University of Alabama



shall not be available, but shall be void, in the event a Constitutional Amendment is submitted and ratified prior to October 1, 1928, making available funds for buildings or improvements for the above named schools or institutions.

Section 14 1-2. That the sums appropriated by Sections 13 and 14 of this Act shall be payable in whole or in part from time to time, on the approval of the Governor, as in his opinion the condition of the Treasury may warrant; provided that when any such sums are approved for payment by the Governor the same shall be prorated among the several purposes or institutions and be made payable to each purpose or institution for which appropriation is made in said sections in proportion to the amount appropriated to each such purpose or institution in said sections; provided further that the balances or all of the appropriations made by said sections, which are not approved for payment by the Governor during the year for which the provisions of said sections make them available, may be approved for payment by the Governor during any subsequent year; and provided further that all or any part of the appropriations made in said sections which remain unpaid at the end of the period for which they are made shall be and are hereby continued in full force and effect until paid in full in the manner provided in this section.

Section 15. That in addition to all other appropriations and apportionments of public school money now provided by law and made available for elementary and secondary education, there shall be apportioned and paid to counties from the Equalization Fund provided for in Section 1 of this Act, the amounts to be determined by the State Board of Education as hereinafter provided. In order for the public schools of a county to share in the apportionment of the Equalization Fund it shall meet the following conditions:

1. The county shall for the year for which aid is desired be levying and collecting the constitutional one-mill county school tax, the Constitutional three-mill county school tax and the Constitutional three-mill district school tax in the several districts covering the whole county; provided that

in case any district or districts in a county levying both the one-mill and three-mill county taxes fail to levy the three-mill district tax, the State Board of Education shall deduct from such county equalization apportionment an amount equivalent to that which the district or districts have failed to levy. 2. In the expenditure of all available public school funds the county shall as nearly as practicable be providing the same length of term in all schools. 3. Beginning October 1, 1928, the county shall have provided for the preceding year a school term of at least 140 school days; provided that in case any district or districts are not levying and collecting the three-mill district tax, the county board of education shall not be required to maintain in such district or districts the minimum term of 140 days. 4. Beginning October 1, 1928, the county shall have expended for the preceding year funds allotted to teachers' salaries in accordance with a salary schedule or schedules to be adopted by the State Board of Education. The minimum salary schedule or schedules adopted for this purpose by the State Board of Education from time to time shall give due consideration to academic and professional preparation of teachers and to length of service rendered. 5. Beginning October 1, 1928, the amount expended for teachers' salaries in the preceding year shall be at least seventy-five per cent of all current expenses. Upon approval of the State Board of Education expenditures for transportation or any part thereof may be omitted from current expenses in making this computation. 6. The county shall have met such other standards as may be set up by the State Board of Education to insure equality of educational opportunity.

Section 16. To determine the amount which a county is entitled to receive from the Equalization Fund in any year proceed as follows: To the sum total of all funds available for elementary and secondary education in any and all schools located in the county from State appropriations and apportionments and all other public sources, including the poll tax, add the total yield of an assessment of the constitutional three-mill district school tax in the several districts covering the whole county and the total yield of an assessment of two

mills of the county wide school tax on all taxable property of the county, and subtract this grand total from the cost of the minimum educational program to be equalized in the county as determined in Section 17 of this Act. The balance remaining shall be provided for out of the Equalization Fund and paid to each county as provided for in this Act.

Section 17. In determining the cost of the minimum program to be equalized the number of teacher units in each county shall be multiplied by an amount or amounts to be fixed by the State Board of Education. The amount or amounts by which the number of teacher units is to be multiplied shall be based on the average salaries required by the operation of the salary schedule or schedules hereinafter provided, together with the added percentage allowed for purposes other than instruction in current expenses. The number of teacher units shall be determined as follows: 1. One elementary teacher unit shall be allowed for each one-teacher school when satisfactory evidence has been submitted to the State Department of Education showing that consolidation is impracticable. 2. One elementary teacher unit shall be allowed for each thirty pupils in average daily attendance in grades one to six in all other schools in the county during the preceding year. 3. One high school teacher unit shall be allowed for each thirty pupils in average daily attendance in grades seven to twelve, inclusive, in all other schools in the county during the preceding year. 4. One helping teacher (supervisor) shall be allowed for each seventy-five teacher units in a county; provided each county shall be allowed one helping teacher. If the number of elementary or high school teachers employed is less than the number as above computed and no adequate provision is made for the instruction of such excess pupils, the State Superintendent of Education may in his discretion use the total number of teachers employed, or any intermediate number between such actual number and the number determined as above computed, in ascertaining the amount of State aid to be apportioned as provided in Section 16 of this Act. No allowance shall be made for helping teachers (supervisors) except for those actually employed. The State

Board of Education may on and after July 1, 1929, adopt rules changing the ratios to be used in determining the number of elementary and high school teachers as the basis on which the amount of State aid is to be allotted under this Act.

Section 18. In the determination of the salary schedule or schedules which shall control the expenditures of funds allotted for teachers' salaries the State Board of Education shall from time to time cause an investigation to be made of the current practices in regard to the salaries paid various employees engaged in instructional services of the several county and city boards of education in the State, giving due consideration to the academic and professional preparation of employees and to the length of service rendered. Nothing in this Act shall be construed to restrain counties or cities from the use of higher salary schedules than the minimum salary schedule set up by the State Board of Education.

Section 19. That the Attendance Fund provided for in Section 2 of this Act shall be apportioned to the several counties of the State in proportion to the aggregate attendance during the year next preceding that for which the apportionment is being made; provided that in order that the best interests of education may be conserved by the expenditure of this Fund county and city boards of education shall establish and maintain approved attendance, physical and health education programs as required by law and the regulations of the State Board of Education. It shall be the duty of the State Board of Education before making apportionment of the Attendance Fund to see that the conditions herein prescribed have been met by all counties and cities participating in the apportionment of this Fund.

Section 20. That the special appropriation for libraries provided for in Section 3 of this Act shall be expended exclusively for the purchase of books to be used in school libraries under the same conditions as now provided by law; provided that county boards of education may at their discretion co-operate with other agencies in the establishment and maintenance of a county-wide library service, in which



all public schools of a county are provided regularly with library facilities. It shall be the duty of the State Board of Education to make such rules and regulations and provide such general supervision for the library service of the State as will make the appropriation for this purpose of the greatest benefit to the schools. No county may share in the apportionment of the Library Fund that does not provide safe and ample protection for books placed in the several schools located therein. It shall be the duty of the County Superintendent of Education to see that this provision is fully complied with and the State Superintendent of Education may withhold aid from a county that fails properly to provide satisfactory care for all books.

Section 21. That in the expenditure of the appropriations provided in Section 4 of this Act it shall be the duty of the executive officers of the teacher-training institutions sharing therein to comply with the regulations of the State Board of Education in offering a standard program for the preparation of teachers both for and in service. The State Board of Education shall have full authority upon recommendation of the State Superintendent of Education to prescribe curricula for the various types of teaching service required in the public schools of the State, and shall authorize such recognition for the completion of prescribed curricula as may in its judgment be to the highest interest of the service. The Teacher Training Equalization Fund provided in Section 4 of this Act shall be expended under rules and regulations prescribed by the State Board of Education, and shall be apportioned as follows: 1. The sum of One Hundred Thousand (\$100,000.00) Dollars, except as otherwise provided in this Act, shall be apportioned to those institutions devoted primarily to the training of elementary teachers, under such rules and regulations as will make its expenditure of the greatest force and effect. 2. The sum of One Hundred Thousand (\$100,000.00) Dollars or so much thereof as may be necessary shall be devoted exclusively to the preparation of high school teachers, including the cost of administration, salaries of instructors, and expenditures necessary for providing adequate practice



school facilities for student-teachers. This fund shall for the current quadrennium be apportioned to the State Institutions already engaged in the training of teachers for accredited senior high schools, under such rules and regulations as may be of the greatest benefit to secondary education; provided that before any part of it is apportioned to an institution for any year the dean or director of the school of education of such institution shall submit through its president a budget for the approval of the State Board of Education.

Section 22. That in apportioning the funds provided in this Act for the support and maintenance of the Agricultural and Mechanical Institute for Negroes at Normal the State Board of Education shall at all times endeavor to carry out the purposes of the Federal and State Acts which provide funds for this institution, and the first consideration shall be given at all times to the training of the Negro youth in agricultural pursuits and in the mechanical arts which will furnish opportunity for profitable employment for members of this race.

Section 23. That in the expenditure of the additional appropriation for aid in the erection, repair and equipment of rural schoolhouses provided for in Section 6 of this Act the State Board of Education shall be governed by the provisions of the School Code relating to the expenditure of such funds; provided that where permanent materials are specified in construction such as masonry walls of hard burned brick, reinforced concrete, stone, terra cotta with stucco, or other equally permanent or substantial material, the amounts of State Aid allowed may be increased not to exceed one hundred per cent over and above those provided for in Article 18 of the School Code, and the limitations therein as to number of rooms shall not apply; provided further that before State aid is granted for the construction of any such building the county board of education shall submit to the State Board of Education for its approval a proposed county-wide building program which sets out in detail the location of all present and proposed buildings, and which provides both elementary and high school building facilities for all the children of the county.

In the preparation of such county-wide building program the county board of education may ask assistance of the State Department of Education or of any other agency approved by the State Board of Education that can furnish data on the basis of which the county board of education may act intelligently. Permanent buildings in course of construction at the time of the approval of this Act shall be eligible to share in the proposed increases authorized by this section.

Section 24. That in the expenditure of the appropriation for the removal of adult illiteracy provided for in Section 7 of this Act the State Board of Education shall set up such rules and regulations as will give full force and effect to the provisions of the School Code relating to the expenditure of funds for the removal of illiteracy; provided that the State Board of Education may afford support through the Division of Exceptional Education to activities which have for their purpose the training of atypical children who are not now provided for in the State child-caring institutions; and provided further that through this Division the State Board of Education shall exercise its responsibility for providing proper educational opportunity for persons in the delinquent, corrective and penal institutions of the State.

Section 25. That the appropriation for vocational education provided for in Section 8 of this Act shall be expended under the provisions of Article 21 of the School Code relative to the expenditure of such funds; provided that the State Board of Education shall have authority to expend an amount not to exceed Fifteen Thousand (\$15,000.00) Dollars annually for crippled individuals whose restoration may be brought about by such expenditure; and provided further that out of this fund the State Board of Education may cooperate with other State agencies in setting up and executing a program for the care and restoration of crippled children.

Section 26. That in the apportionment and expenditure of the additional fund provided in Section 9 of this Act for high school education the State Board of Education shall prescribe conditions for its disbursement so as to make possible the development and maintenance of more nearly adequate

high school facilities in the several counties of the State, and in carrying out the provisions of this Act, shall have authority to set aside and expend such an amount of this fund as may be necessary for the proper administration and supervision of secondary education.

Section 27. That in order that the provisions of this Act may be made of the greatest benefit possible the State Board of Education may adopt such additional regulations not inconsistent with its provisions as may be deemed necessary for its proper administration.

Section 28. That the State Superintendent of Education shall make requisition on the State Auditor in favor of the proper beneficiary in accordance with the law and the rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Auditor shall issue his warrant therefor; provided that all appropriations and monies made available to the Alabama College, the Alabama Polytechnic Institute and the University of Alabama by the provisions of this Act shall be paid out quarterly upon requisition upon the Auditor made in the manner as now provided by law.

Section 29. That if the Supreme Court of the State shall hold any provision or provisions of this Act as unconstitutional, such holding shall not affect any other provision of this Act.

Section 30. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed, and that the provisions of this Act shall become effective upon approval by the Governor.

Section 31. The several appropriations herein provided for shall be payable out of the special trust fund created and set apart for educational purposes by Section 2 of the General Revenue Bill of 1927; and in the event such trust fund is insufficient to cover said appropriations, then the balance of the same shall be payable out of any other funds in the treasury not otherwise appropriated.

Approved August 25, 1927.

Acts 1927, p. 442.

BUREAU OF INFORMATION AND INDUSTRIAL AID  
FOR THE BLIND

IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 615)

(S. 487. Oliver

AN ACT

To authorize the State Board of Education to prepare and maintain a register of those blind persons living in the State of Alabama in which is shown their condition, cause of blindness, and capacity for education and industrial training; to set up a bureau of information and industrial aid for the blind; to assist other agencies in developing home industries; to aid in furnishing books, materials, and tools for rehabilitation of the blind; to devise other means of helping them; to provide for an annual report on the activities of the State Board of Education in connection therewith; and to make an appropriation for carrying out the provisions of the Act.

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Board of Education is hereby authorized to prepare and maintain a register of blind persons living in the State of Alabama which shall describe the condition, cause of blindness, capacity for education and industrial training for each blind person registered, and shall give such other data as the Board may deem advisable.

Section 2. The State Board of Education shall maintain a bureau of information, the object of which shall be to aid the blind, whose training is not otherwise provided for, in finding employment, in the developing home industries, and in marketing their products. It shall in its discretion furnish materials, tools, and books for use as a means in rehabilitating such blind persons, and it may, through the employment of teachers, give home instruction to blind persons within the ages fixed by the Civilian Rehabilitation Act, provided that it shall not undertake the permanent support or maintenance of any blind person.

Section 3. The State Board of Education may appoint and fix the compensation of such teachers and agents as

may be necessary to make effective the purposes of this Act within the appropriation provided hereinafter.

Section 4. The State Board of Education in its annual report shall give a concise report of its activities and accomplishments under the provisions of this Act, and shall make recommendations therein for the further improvements of the conditions of the blind.

Section 5. To make effective the provisions of this Act there is hereby appropriated out of the State Treasury the sum of Seven Thousand Five Hundred (\$7,500.00) Dollars annually from any funds in the Treasury not otherwise appropriated.

Section 6. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved September 6, 1927.

Acts 1927, p. 711.

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## ALABAMA SCHOOL FOR BLIND

### IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 17.)

(S. 14. Oliver

### AN ACT

To provide an appropriation for the construction and repair of buildings and the equipment of the Alabama School for the Blind located at Talladega, Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars to be used for the construction and repairing of buildings and the equipment of the Alabama School for the Blind located at Talladega, Alabama.



Section 2. Said appropriation shall be available when in the opinion of the Governor the treasury permits, provided that not less than Fifty Thousand (\$50,000.00) Dollars shall become available for the purposes of this bill each fiscal year until the entire amount, or so much thereof as necessary, has been expended.

Section 3. The funds appropriated by this Act shall be expended by the Executive Committee of the Board of Trustees of said School with the approval of the Governor.

Approved Feb. 3, 1927.

Acts 1927, p. 26.

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## ALABAMA SCHOOL FOR DEAF IN THE LEGISLATURE OF ALABAMA .

REGULAR SESSION, 1927

No. 18.)

(S. 13. Oliver.

### AN ACT

To provide an appropriation for the construction and repair of buildings and the equipment of the Alabama School for the Deaf located at Talladega, Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars to be used for the construction and repairing of buildings and the equipment of the Alabama School for the Deaf located at Talladega, Alabama.

Section 2. Said appropriation shall be available when in the opinion of the Governor the treasury permits, provided that not less than Fifty Thousand (\$50,000.00) Dollars shall become available for the purposes of this bill each fiscal year until the entire amount, or so much thereof as necessary, has been expended.

Section 3. The funds appropriated by this Act shall be expended by the Executive Committee of the Board of Trustees of said School with the approval of the Governor.

Approved Feb. 3, 1927.

Acts 1927, p. 27.

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STATE TRAINING SCHOOL FOR GIRLS  
IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 565.)

(H. 64. Deloney

AN ACT

To make an appropriation to the State Training School for Girls for maintenance and buildings and for the purpose of paying the amount due on property purchased by the State for use of the State Training School for Girls.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated the sum of Three Hundred and Thirty Dollars (\$330.00) per year for each inmate of the State Training School for Girls out of any moneys in the State Treasury not otherwise appropriated for each of the years of the quadrennium, beginning October 1, 1927, and ending September 30, 1931, and the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer in favor of the Treasurer of the State Training School for Girls for the payment of the amounts due said School, said amount being determined by affidavits of the Superintendent or Treasurer of said School at the beginning of each quarter, which affidavits shall show the number of inmates of said school who were in said school on the last day of said quarter.

Section 2. There is hereby appropriated to the State Training School for Girls for the purpose of securing buildings and equipment the sum of Sixty Thousand Dollars (\$60,-

000.00) out of any moneys in the State Treasury not otherwise appropriated, payable by warrant of the State Auditor drawn upon the State Treasurer, and in such amount and at such time as may be approved by the Governor. There is also appropriated to the State Training School for Girls the sum of Forty Thousand Dollars (\$40,000.00) out of any moneys in the State Treasury, not otherwise appropriated; said sum to be used to pay the indebtedness now due by said State Training School for Girls for lands already purchased; provided that this appropriation of Forty Thousand Dollars (\$40,000.00) shall not be available until approved by the Governor, and is not intended as a duplication of any other appropriation made by law for this purpose.

Section 3. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved September 9, 1927.

Acts 1927, p. 646.

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**ALABAMA BOYS' INDUSTRIAL SCHOOL**  
**IN THE LEGISLATURE OF ALABAMA**  
 REGULAR SESSION, 1927

No. 632.)

(H. 34. Goodwyn

**AN ACT**

To make appropriations to the Alabama Boys' Industrial School.  
 Be it Enacted by the Legislature of Alabama:

Section 1. That the sum of Two Hundred and Seventy (\$270.00) Dollars per year for each inmate of the Alabama Boys Industrial School, is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for each of the years of the quadrennium, beginning October 1, 1927 and ending September 30, 1931, and the State Auditor is hereby authorized and directed to draw his warrant quarterly

on the State Treasury in favor of the treasurer of the Alabama Boys Industrial School for the payment of the amounts due said school; said amounts to be determined by affidavit of the Superintendent or Treasurer of said school at the beginning of each quarter, which affidavit shall show the number of inmates of said school, who were in said school on the last day of said quarter.

Section 2. That there is hereby further appropriated for the fiscal year beginning October 1, 1928, the sum of Forty-one Thousand, Six Hundred and Sixty-Six Dollars (\$41,666.66) and Sixty-six cents for the purchase of land, and for the erection and equipment of buildings, and for the purchase of machinery, and for the purchase of equipment of vocational training, and for improvements and repairs; and there is also hereby appropriated, for the same purpose, a like sum of Forty-one Thousand, Six Hundred and Sixty-six Dollars (\$41,666.66) and Sixty-six cents, for the fiscal year beginning October 1, 1929; and there is also hereby appropriated, for the same purpose, a sum of Forty-one Thousand, Six Hundred and Sixty-six Dollars (\$41,666.66) and Sixty-six cents, for the fiscal year beginning October 1, 1930. The sums so appropriated for the purchase of land and for the erectment of buildings and for the purchase of machinery, and for the purchase of equipment for vocational training, and for improvements and repairs, shall be paid out under the authority of the board of directors of said school, and the State Auditor is hereby authorized and directed to draw his warrant on the State Treasury for the amount of said appropriations upon requisition of the Governor.

Section 3. That all laws and parts of laws in conflict with the provisions of this Act, be, and the same are hereby repealed.

Section 3½. In addition to the appropriations hereinabove made, there is hereby further appropriated, out of any moneys in the general fund of the State of Alabama not already otherwise appropriated, the sum of Eleven Thousand Two Hundred Thirteen Dollars and Four Cents (\$11,213.04),

for the relief of the Alabama Boys' Industrial School. BE IT FURTHER ENACTED: That the State Treasurer is hereby authorized and directed to pay to the Superintendent of said School the amount in this Section appropriated.

Approved September 9, 1927.

Acts 1927, p. 718.

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## ALABAMA POLYTECHNIC INSTITUTE

### IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 341.)

(H. 725. Goode.

### AN ACT

To make appropriation to the Alabama Polytechnic Institute in lieu of certain other appropriations and revenues, the benefit of which said Alabama Polytechnic Institute has heretofore received or secured.

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Alabama Polytechnic Institute the sum of Eighty-seven Thousand (\$87,000.00) Dollars annually, which shall be payable quarterly on October 1st, January 1st, April 1st and July 1st, upon the requisition of the President of said Institute on the State Auditor.

Section 2. Thirty Thousand (\$30,000.00) Dollars of the appropriation made in Section One of this Act shall be used in order to aid in diffusing among the people of Alabama in the several counties useful and practical information on subjects relating to agriculture; to provide for the continuance and improvement of farm demonstration work; for organizing livestock marketing and other agricultural clubs and otherwise assisting farmers in preparing for market and marketing their crops and livestock; for organizing and supervising boys' corn clubs, pig clubs and other agricultural clubs; to en-



courage diversification of crops and better methods of farming and stock raising; and to secure for expenditure in Alabama the full amounts appropriated conditionally by the Congress of the United States for agricultural extension work. Said Thirty Thousand (\$30,000.00) Dollars shall be used in co-operation with the Extension Service created under an Act of Congress approved May 8th, 1914, and generally known as the Smith-Lever Act for Extension work in agriculture and home economics, for aiding in employing Farm Demonstration Agents in the State of Alabama.

Section 3. The appropriation made in Section One of this Act is in lieu of the following appropriations and revenues, the benefit of which the Alabama Polytechnic Institute has heretofore received, to-wit: (a) The appropriation of Forty Thousand (\$40,000.00) Dollars made in lieu of the proceeds formerly received from funds arising from the sale of fertilizer tags, which appropriation is made by Section 1911, of Code of Alabama, of 1907, and subsequent and prior Acts. (b) The appropriation of Thirty Thousand (\$30,000.00) Dollars made by Articles 41 and 43, of the Act approved September 23rd, 1923, which Act is known as the Agricultural Code. This appropriation was made to the Department of Agriculture and Industries, but has been used by the extension service of said Institute. This appropriation was first made in the sum of Twenty-five Thousand (\$25,000.00) Dollars by Act approved February 11th, 1911, (General Acts of Alabama, 1911, pages 14 to 17). (c) The revenue received by virtue of Section Six of Article Eighteen of the Act of 1923 known as the Agricultural Code and of prior Acts. By said Acts said Institute received one-fourth of the proceeds accruing from the illuminating oil inspection fee.

Section 4. All provisions of laws making appropriations for chemical analysis work for the Department of Agriculture and Industries, and all provisions of laws making or increasing any of the appropriations or revenues mentioned in Section Three of this Act existing prior to the passage of this Act are hereby expressly repealed, it being the purpose

of this Act to make appropriation in lieu of the benefit which the Alabama Polytechnic Institute received from such appropriations and revenues.

Approved August 24, 1927.

Acts 1927, p. 330.

## FOURTH DISTRICT AGRICULTURAL SCHOOL IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 609.)

(S. 274. Oliver.

### AN ACT

To appropriate funds for the purchase of the Fourth District Agricultural School Buildings and Lands.

Be it Enacted by the Legislature of Alabama:

Section 1. The sum of Fifty Thousand (\$50,000.00) Dollars be, and is hereby appropriated from the Treasury of the State of Alabama out of moneys not otherwise appropriated, which shall be used for the purpose of purchasing the Fourth District Agricultural School Buildings and lands owned by the City of Sylacauga.

Section 2. The Governor of the State of Alabama is hereby directed to acquire the title in the name of Alabama to the said property described in Section 1, and to cause Fifty Thousand (\$50,000.00) Dollars to be paid to the City of Sylacauga for the same. "Provided the appraisal of the property as made by the State Board of Administration shows the property to be of a value equal to Fifty Thousand Dollars (\$50,000.00). The said appropriation herein made to be available when in the opinion of the Governor the condition of the State Treasury warrants and with the approval of the Governor."

Approved September 6, 1927.

Acts 1927, p. 708.

WASHINGTON COUNTY BOARD OF EDUCATION  
(Building)

IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 371.)

(H. 673. Jordan of Washington

AN ACT

To authorize the State Board of Administration of Alabama to pay out of the Insurance Fund, to the County Board of Education of Washington County, the sum of Six Thousand One Hundred Seventy-seven (\$6,177.00) Dollars and 00/100, to cover the loss sustained through the burning of the public school building at Chatom on the first day of April, 1924.

WHEREAS, the public school building then under construction at Chatom, Washington County, Alabama, was destroyed by fire on the first day of April, 1924, which was before the State Board of Administration had promulgated rules and regulations requiring county boards of education to report public school properties for insurance purposes; and, WHEREAS, the board of education of said county was therefore not responsible for the failure to report the said property for insurance; and, WHEREAS, the said county board of education of said county sustained a loss of Six Thousand, One Hundred Seventy-seven (\$6,177.00) Dollars and 00/100, through said fire; now, therefore,

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Board of Administration of Alabama be, and the same is hereby authorized and directed to pay out of the State Insurance Fund, to the County Board of Education of Washington County, the sum of Six Thousand One Hundred Seventy-seven (\$6,177.00) Dollars and 00/100 to cover the loss sustained by the destruction of the public school building at Chatom, which was burned on the first day of April, 1924, while the said building was in course of construction.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. That this Act shall be effective on its approval by the Governor.

Approved August 26, 1927.

Acts 1927, p. 426.

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THE SAGE LAND AND IMPROVEMENT COMPANY  
ENDOWMENT FUND TRANSFERRED TO COUN-  
TY BOARD OF EDUCATION OF CLARKE COUNTY  
FOR BENEFIT OF CLARKE COUNTY HIGH  
SCHOOL.

IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 512.)

(H. 1014. Anderson

AN ACT

To repeal a local law enacted by the Legislature of Alabama, and approved on the 20th day of August, 1915, entitled "An Act to regulate the management, disposition and control of an endowment fund of ten thousand dollars given by The Sage Land and Improvement Company to the board of trustees of the high school located at Grove Hill, Alabama, to keep the buildings and grounds in repair and the equipment complete, the lands, buildings and equipment of said high school having heretofore been conveyed to the State of Alabama for high school purposes under the provisions of article 20 of chapter 41 of the Code of Alabama and the act approved April 8th, 1911, amendatory thereof, entitled 'An act to amend sections 1861, 1862 and 1863 of the Code of Alabama'.

WHEREAS, heretofore The Sage Land and Improvement Company, a corporation, did give to the board of trustees of the high school located at Grove Hill, Alabama, an endowment fund of ten thousand dollars, to be invested and the interest thereon used to keep the building and grounds in repair and the equipment complete, and

WHEREAS, the board of trustees of said high school located at Grove Hill, Alabama, have heretofore conveyed the lands, buildings and equipment of said high school to the State of Alabama for high school purposes under the provisions of article 20 of chapter 41 of the Code of Alabama and the act approved April 8th, 1911, amendatory thereof, entitled 'An Act to amend Sections 1861, 1862 and 1863 of the Code of Alabama.' and

WHEREAS, the grantor of said endowment fund and said board of trustees agreed with the high school commission to turn said endowment fund over to the management and control of the State of Alabama in connection with said lands, buildings and equipment as soon as suitable legislation could be had for the management thereof;" and to authorize the transfer of said trust fund of ten thousand dollars from the State of Alabama to the County Board of Education of Clarke County, Alabama:

Be it Enacted by the Legislature of Alabama:

Section 1. That the local law enacted by the Legislature of Alabama and approved August 20, 1915, entitled "An Act to regulate the management, disposition and control of an endowment fund of Ten Thousand Dollars given by The Sage Land and Improvement Company to the board of trustees of the high school located at Grove Hill, Alabama, to keep the building and grounds in repair and the equipment complete, the lands, buildings and equipment of said high school heretofore having been conveyed to the State of Alabama for high school purposes under the provisions of Article 20 of Chapter 41 of the Code of Alabama, and the Act approved April 8th, 1911, amendatory thereof, entitled 'An Act to amend Sections 1861, 1862 and 1863 of the Code of Alabama.'

WHEREAS, heretofore The Sage Land and Improvement Company, a corporation, did give to the board of trustees of the high school located at Grove Hill, Alabama, an endowment fund of Ten Thousand Dollars, to be invested and the interest thereon used to keep the building and grounds in repair and the equipment complete, and,



WHEREAS, the board of trustees of said high school located at Grove Hill, Alabama, have heretofore conveyed the lands, buildings and equipment of said high school to the State of Alabama for high school purposes under the provisions of Article 20 of Chapter 41 of the Code of Alabama and the Act approved April 8th, 1911, amendatory thereof, entitled 'An Act to amend Sections 1861, 1862 and 1863 of the Code of Alabama,' and

WHEREAS, the grantor of said endowment fund and said board of trustees agreed with the high school commission to turn said endowment fund over to the management and control of the State of Alabama in connection with said lands, buildings and equipment as soon as suitable legislation could be had for the management thereof;" be, and the same is hereby expressly repealed.

Section 2. That the Auditor of the State is directed to draw his warrant for the sum of Ten Thousand Dollars, together with accrued interest unpaid thereon, in favor of the County Board of Education of Clark County, Alabama.

Section 3. That said fund shall be received by said County Board of Education of Clarke County, Alabama, and expended by said board for the benefit of the Clarke County High School in such manner as it deems wise and proper.

Approved September 6, 1927.

Acts 1927, p. 607.

## SOUTHERN INDUSTRIAL INSTITUTE

(Building)

IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 455.)

(H. 720. Adcock

## AN ACT

To make an appropriation to the Southern Industrial Institute for the purpose of constructing and equipping buildings at said school and for the maintenance of said institution.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of Fifty Thousand (\$50,000.00) Dollars, for the purpose of constructing and equipping buildings at the Southern Industrial Institute at Camp Hill, Alabama, payable by warrants drawn by the State Auditor on request of the trustees of said school on approval of the Governor.

Section 2. That there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of Five Thousand (\$5,000.00) Dollars annually for the maintenance and support of the Southern Industrial Institute at Camp Hill, Alabama, the said appropriation to be paid quarterly in equal amounts on the first day of October, January, April and July of each year.

Section 3. That this act shall take effect upon its passage and approval by the Governor.

Section 4. The appropriation herein provided for shall not be available until in the judgment of the Governor the condition of the State Treasury warrants, and shall not be paid except with his approval.

Approved August 30, 1927,

Acts 1927, p. 506.

## KATE DUNCAN SMITH D. A. R. SCHOOL

## IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 607.)

(S. 453. James

## AN ACT

To make an appropriation for the buildings and equipment for the Kate Duncan Smith D. A. R. School located at Grant, Alabama.

Be it Enacted by the Legislature of Alabama;

Section 1. That there is hereby appropriated out of the State Treasury not otherwise appropriated, the sum of Fifty Thousand (\$50,000.00) Dollars for buildings and equipment for the Kate Duncan Smith D. A. R. School located at Grant, Alabama.

Section 2. That said appropriation shall not be available until good and valid title be made to the State of Alabama conveying at least five acres of land upon which said buildings are to be constructed. Provided, that this appropriation shall not be available before October 1st, 1928.

Section 3. That the Governor is hereby authorized and empowered at any time in the future to negotiate the sale of said buildings, equipment and lands to the Alabama Society of the Daughters of the American Revolution upon such terms and conditions as he may deem advisable at a price not to exceed Fifty Thousand (\$50,000.00) Dollars. So long as said property is owned by the State, the State shall have absolute control of all of said buildings, lands and equipment.

Section 4. That the State Superintendent of Education shall, with the approval of the Governor, make requisition on the State Auditor for such amounts as may be required for carrying into effect the purposes of this Act. Provided, however, that the appropriation herein provided for shall not

become effective until in the opinion of the Governor the condition of the State Treasury shall warrant and said appropriation shall not be paid without the approval of the Governor.

Section 5. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved September 6, 1927.

Acts 1927, p. 705.

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**COUNTIES LEVYING SPECIAL FIVE-MILL DISTRICT  
TAX AUTHORIZED TO USE SUCH PROCEEDS  
FOR PUBLIC SCHOOL BUILDINGS**

IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 61.)

(H. 126. Byars.

**AN ACT**

To authorize the Board of Education of any county, in order to acquire, construct or repair any public school building in any school district of such county or for paying for a public school building or buildings already built in any such district, or to raise money for any such purpose, to issue interest bearing school warrants.

Be it Enacted by the Legislature of Alabama:

Section 1. The Board of Education of any county, in order to acquire, construct, or repair any public school building in any school district of such county, or for paying for a public school building or buildings already built in such district, or to raise money for any such purpose, is hereby authorized to issue school warrants, bearing interest at a rate not to exceed six per cent per annum for an amount, including interest, not to exceed the income from all special five mill district tax levies in such district, estimating such income upon the basis of the assessed value of the taxable property in such dis-

trict for the preceding tax year, as the annual return from such levy.

Section 2. The due date of such school warrants shall not extend beyond the 30th day of September next after the time when the tax for the last year of such levy shall become delinquent.

Section 3. All warrants shall be signed in the name of such board by its president and shall be a preferred claim upon the proceeds of said tax levy in such school district each year during the period for which such warrants are issued to the extent of the warrants maturing during said year, and such board shall, at the beginning of each tax year, by resolution entered upon its minutes, set apart so much of the tax income, from such source, for that year as will be necessary to meet all warrants maturing during that year.

Section 4. This Act shall not repeal directly or by implication any other statute with reference to schools but shall be in addition to all such existing statutes.

Approved February 15, 1927.

Acts 1927, p. 49.



CONSOLIDATION OF CITY AND COUNTY BOARDS  
OF EDUCATION PROVIDED FOR IN CERTAIN  
COUNTIES.

IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 567.)

(H. 1166. Goodwyn.

AN ACT

To provide for the consolidation of the administration and control of the public school systems in any county of not less than seventy-five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority.

Be it Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than seventy-five thousand, nor more than one hundred thousand, according to the last or any succeeding Federal Census, the administration and control of the public schools and the public school interests, therein and thereof, shall be under the exclusive direction and management of a Board of Education consisting of eight members, which Board shall be in lieu of any and all existing City Boards of Education and County Boards of Education, within such Counties, which such existing City and County Boards of Education are hereby abolished. The Board hereby created shall select from its membership a Chairman, who shall be entitled to vote as any other member of the Board, and also, in the event of a tie, shall cast the deciding vote in all matters coming before the Board. When this law goes into effect the State Superintendent of Education, except in cases otherwise provided in this Act, shall appoint four of the members of said Board to serve until January 1, 1929, and four to serve until January 1, 1931. The successors shall be elected by the qualified electors of the County at the general election next preceding the expira-

tion of their respective terms, and shall hold office for a term of six years and until their successors are elected and qualified.

Section 2. In all such counties in which there is situated a municipality which has a population of not less than forty thousand, such Board of Education shall be selected as follows: Five members thereof shall be elected by the City Council, City Commission, or other governing authority of such City, and three members thereof shall be elected by the qualified voters of the County as hereinafter provided, two of whom must reside outside of the corporate limits of any such municipality, and provided that the three members to be elected by the County, except as otherwise provided herein, shall be elected at the general election held in 1928 and shall take office on the first day of December following such election.

Section 3. Immediately upon this Act becoming effective the City Council, City Commission, or other governing authority of any such City, in any such County, shall appoint or elect five members of said Board of Education, whose terms of office shall be as follows: One member shall be elected for one year, one for two years, one for three years, one for four years, and one for five years, the respective successors of such members shall be so appointed or elected for a term of five years. Those members of the County Board of Education, as existing and constituted at the time this Act takes effect, who reside outside the corporate limits of any City, as defined in Section 2 of this Act, shall be and continue as members of the Board of Education created by this Act for such period as they would have continued as members of the County Board of Education, if such Board had continued to exist, and their respective successors shall be elected at the general election next preceding the expiration of their term of office. In the event it becomes impossible to lawfully select any of those members of such Board as are to be elected by the qualified voters of any such County prior to the 30th day of June, 1928, then the State Superintendent of Education shall have authority to temporarily fill any such vacancy until

such vacancy is filled by election. In the case of any vacancy by reason of resignation, death, or otherwise, such vacancy is to be filled for the unexpired term in the same manner as originally selected.

Section 4. All the rights, privileges, authority and powers now vested by law in any City Board of Education or any County Board of Education within any such County be and the same are hereby conferred upon and vested in the Board of Education created by this Act, and such Board shall have full authority to make a single coordinated system of all the City and County public schools in any such County, but no contracts, obligations or employment entered into by any of the existing Boards prior to the passage of this Act shall in any way be affected by their abolishment.

Section 5. This Act is a coordinate whole and all of the provisions herein shall be construed as interlocked and dependent one upon another, and the Courts will so construe the same.

Section 6. The provisions of this Act shall take effect the 30th day of June, 1928.

Section 7. All laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 6, 1927.

Acts 1927, p. 647.

BOARD OF MANAGERS STATE TRAINING SCHOOL  
FOR GIRLS ABOLISHED. BOARD OF  
TRUSTEES CREATED

IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 463.)

(S. 449. Walton

AN ACT

To abolish the Board of Managers of the State Training School for Girls; to create a Board of Trustees in lieu thereof; to provide for their appointment and fix their terms of office.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Board of Managers of the State Training School for Girls as fixed and prescribed by Section 2998, Code of Alabama 1923, be and the same is hereby abolished and there is created in lieu thereof a Board of Trustees to consist of one member from each congressional district in the State, except the congressional district in which said school is located and from that district there shall be appointed two members. The Governor and the Superintendent of Education shall be Ex-Officio Members of said Board of Trustees with the right to vote and otherwise participate with said Board in the management of said school. All the members of said Board of Trustees shall be appointed by the Governor and the terms shall be as follows to be designated by the Governor when appointing said Board of Trustees, to-wit: Three shall be appointed for a period of two years; three for a period of three years; three for a period of four years; and two for a period of five years. As the terms expire those who are appointed to succeed those then holding shall hold for a period of four years and until their successors are appointed and qualified. All vacancies shall be filled by appointment by the Governor. Not less than five women shall be members of the Board of Trustees and all the appointees shall be submitted to the Senate of Alabama for confirmation or rejection.

Section 2. The Governor and the two members appointed from the district in which said school is located shall constitute the Executive Committee of said Board.

Section 3. All laws and parts of law in conflict with the provisions of this Act be and the same are expressly repealed.

Approved September 1, 1927.

Acts 1927, p. 511.

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## AMEND SECTION 3005 CODE OF ALABAMA, 1923

### IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 485.)

(S. 513. Walton

### AN ACT

To Amend Section 3005 Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama:

That Section 3005, Code of Alabama, 1923, be amended so as to read as follows: Section 3005. Persons received into the school. Any justice of the Supreme Court, Judge of the Court of Appeals, Judge of Probate, Circuit Judge, or Judge of any Criminal Court, or other inferior statutory court of this state, or any Municipal Court, or judge thereof, or city recorder in any town or city of this state, may cause to be brought before him, upon his own motion or the sworn complaint of another, any white female between the ages of nine and eighteen years of age who may fall within any of the following descriptions: 1st. Any female who has been abandoned by their parents or who has abandoned their parents and home and have no visible means of support and who are leading an immoral or profligate life, 2nd. Any who are orphans and have no sufficient or appropriate guardianship who cares for



their mental, physical and moral welfare, who are leading an immoral or profligate life. 3rd. Any who shall have been arrested and convicted by the Police Courts or other inferior criminal courts or magistrates for petty offenses indicative of an immoral or profligate life. 4th. Any such girl under eighteen years old who is a prostitute or frequents disorderly houses or house of prostitution who is not mentally or physically incapable of being substantially benefited by the discipline of said training school. No girl mentally or physically incapable of pursuing the course of study and training offered by this school can be received into this school. Girls brought to the institution must be committed in accordance with the provisions hereof and officers or guardians accompanying the girl to the school must submit to the superintendent of the school commitment papers giving the age of the girl and setting out the cause of the commitment issued by the duly authorized judicial officer committing the girl and must also file with the superintendent a certificate from a competent physician, designated by the court magistrate stating that in his opinion the girl is of sound mind and that she is mentally and physically capable of being substantially benefited by the course of instruction and training offered by said school; the certificate shall also state whether or not the girls suffer from a contagious or infectious disease and the nature and character of the disease. All girls shall be delivered to the superintendent of the institution by some person or persons designated by the authority committing them and said girls must be accompanied by a female attendant unless she is accompanied by her father, brother, uncle, or another man relative of close kinship who has been duly approved by the committing officer.

Approved September 9, 1927.

Acts 1927, p. 562.

QUALIFICATIONS OF PERSONS WHO HOLD OFFICE  
OF COUNTY SUPERINTENDENT OF EDUCATION

IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 511.)

(H. 546. Howard

AN ACT

To amend an Act entitled An Act To prescribe the qualifications of persons who may hold the office of county superintendents of education in the several counties of the State; to regulate the employment or election of county superintendents of education, and to prescribe penalties for the violation of the provisions of this Act, approved October 1, 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1 of an Act entitled "An Act to prescribe the qualifications of persons who may hold the office of county superintendents of education in the several counties of the State; to regulate the employment or election of county superintendents of education, and to prescribe penalties for the violation of the provisions of this Act," approved October 1, 1923, be and the same is hereby so amended as to read as follows: Section 1. That no person shall be eligible for appointment by any county board of education or for political party nomination or for election to the office of the county superintendent of education of any county who does not as now required hold an Alabama certificate in administration and supervision based as a minimum upon graduation from a standard normal school or equivalent education, with at least one year of additional study of college grade and proof of three years of successful teaching experience during the five years next preceding his appointment or election; provided that a person so appointed by the county board of education need not be a resident or qualified elector of the county in which he is to serve; and provided further that the academic and professional qualifications prescribed herein shall not apply to county superintendents of education in office at the time of the passage of this Act.

Section 1½. Provided that the provisions of this bill shall not apply to counties of this State which now have or may hereafter adopt a local bill providing for the election of a County Superintendent of Education for their respective counties.

Section 2. That all laws and parts of laws, general, special or local, in conflict herewith be and the same are hereby repealed.

Section 3. That the provisions of this Act shall be effective on its approval by the Governor.

Approved September 6, 1927.

Acts 1927, p. 606.

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**PERSONS FURNISHING MATERIALS, FOODSTUFFS,  
SUPPLIES AND LABOR FOR PUBLIC  
BUILDINGS PROTECTED**

**IN THE LEGISLATURE OF ALABAMA**

**REGULAR SESSION, 1927**

No. 39.)

(S. 72. Fite.

**AN ACT**

For the protection of persons furnishing materials, foodstuffs, supplies, and labor for the construction of public works, and for other purposes.

Be it Enacted by the Legislature of Alabama:

Section 1. That hereafter any person, firm or corporation entering into a contract with this State, or any county or municipal corporation in this State for the repair, construction or prosecution of any public building or public work shall be required, before commencing such work, to execute a bond payable to the State, county or municipal corporation, with good and sufficient surety, approved in writing by the author-

ity having charge of the making of such contract, conditioned that such contractor or contractors, shall faithfully perform such contract, and shall promptly make payment to all persons supplying him or them with labor, material, feed-stuffs, or supplies, in the execution of the work provided for in such contract. Provided, however, that this act shall not apply to contracts of less than \$1,000.00 in amount.

Section 2. Any person, firm or corporation supplying the contractor with labor, materials, feed-stuffs or supplies, after the complete performance of the contract and within six months therefrom, shall, upon application therefor and furnishing affidavit to the authority under the direction of whom such work has been prosecuted, that labor, material, feed-stuffs or supplies for such work has been supplied by him or them, and that payment for the same has not been made, be furnished a certified copy of said bond, and shall have the right of action thereon, and shall be authorized to bring suit on said bond in his or their name or names, and to prosecute the same to final judgment and execution.

Section 3. That where suit is instituted by any of such creditors on the bond of the contractor, it shall not be commenced until after the complete performance of said contract and final settlement thereof; and where suit is so instituted by a creditor or by creditors, only one action shall be brought, and any creditor may file his claim in such action and be made party thereto. If the recovery on the bond should be inadequate to pay the amounts found to be due to all of said creditors, judgment shall be given to each creditor pro rata of the amount of the recovery. In all suits instituted under the provisions of this act, personal notice of the pendency thereof, informing them of their right to intervene as the court may order, shall be given to all known creditors, and in addition thereto, notice by publication for three successive weeks shall be given in some newspaper of general circulation published in the county where the work or a part thereof is being or has been performed. "Provided, that all actions against the surety, as provided under this act, must be commenced within six months after the complete per-

formance of said contract and final settlement thereof. Any action hereunder may be brought in the county where the work was done or in any county where the contractor does business by agent."

Approved Feb. 10, 1927.

Acts 1927, p. 37.

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## CONTESTS OF ELECTIONS FOR LEVYING SPECIAL DISTRICT SCHOOL TAX PROVIDED FOR

IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 446.)

(H. 134. Monk

### AN ACT

"To provide for contests of elections held for the purpose of levying a special district tax for public school purposes."

Be it Enacted by the Legislature of Alabama:

Section 1. That any and all elections held for the purpose of having a special school tax in a school district of a county in this state may be contested as may any other election held in any county in this State for the elections of county officers.

Section 2. All laws appertaining to the contest of a general election for county offices shall govern the contest of the election as provided for in Section 1 hereof. The contest shall be conducted and determined according to the laws governing contests of general elections of county offices. The same grounds as are grounds for the contest of an election for a county office so far as applicable shall be grounds for the contest of an election held for the purpose of levying a special tax for public school purposes.

Approved September 9, 1927.

Acts 1927, p. 498.



TRAINING OF MENTALLY RETARDED CHILDREN  
OF SCHOOL AGE IN CERTAIN TOWNS  
PROVIDED FOR  
IN THE LEGISLATURE OF ALABAMA  
REGULAR SESSION, 1927

No. 498.)

(S. 514. Fite

AN ACT

To provide for the training of mentally retarded children of school age in towns of 6,000 or more population, according to the last or any subsequent Federal census.

Be it Enacted by the Legislature of Alabama:

Section 1. The school committee or board in every town of not less than 6,000 population, according to the last or any succeeding Federal census, shall annually ascertain, under regulations prescribed by the State Department and Superintendent of Education in cooperation with the State Department of Health, the number of children three years or more retarded in mental development in attendance upon its public schools, or of school age and resident therein. At the beginning of each school year, the school committee or board of every town of 6,000 population, according to the last or any succeeding Federal census, where there are ten or more such children shall establish special classes for their instruction according to their mental attainments, under regulations prescribed by the State Department and Superintendent of Education.

Section 2. It shall be the duty of State Department and State Superintendent of Education in cooperation with the State Health Department to set up the regulations required herein and to provide the necessary blanks and forms, and to instruct the superintendents and school authorities in the several terms affected in the proper method of carrying out the provisions of this Act.

Section 4. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved September 6, 1927.

Acts 1927, p. 598.

LOCAL SPECIAL COUNTY AND DISTRICT SCHOOL  
TAX ELECTIONS VALIDATED AND LEGALIZED

IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 294.)

(H. 647. Webb

AN ACT

To validate and legalize elections heretofore held under the provisions of an act of the Legislature approved February 13, 1919, entitled, "An Act to provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred (\$100.00) dollars worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such school district; and to authorize boards of education to issue interest-bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities," and under the provisions of Article 12 of an act of the Legislature approved September 26, 1919, entitled, "An Act to provide a complete educational system for the State of Alabama, etc.," or any amendments thereto, or any subsequent acts of the Legislature relating to special school tax elections.

Be it Enacted by the Legislature of Alabama:

Section 1. That all elections, whether in school districts or in counties, which have heretofore been held under the provisions of an Act of the Legislature approved February 13, 1919, entitled, "An Act to provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred (\$100.00) dollars worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred (\$100.00) dollars worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00)

worth of taxable property in such school district; and to authorize boards of education to issue interest bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities." and under the provisions of Article 12 of an Act of the Legislature approved September 26, 1919, entitled, "An Act to provide a complete educational system for the State of Alabama, etc.," or any amendments thereto, or any subsequent acts of the Legislature relating to special school tax elections, which said elections resulted in a majority of the votes cast being in favor of the special tax for school purposes, and which said elections were irregular by reason of failure to give notice thereof in any newspaper, or by reason of any other irregularity prior to the actual holding of the elections, be and the same are hereby ratified and confirmed and given effect in all respects as if all the conditions, preliminary and prior to the actual holding of such elections, required by the aforesaid Act had been duly and legally complied with. Provided the provisions of this Act shall not apply to districts in which said three mill tax election has been held and declared illegal by the board of county commissioners in said county in which said election was held prior to the passage of this Act.

Approved August 19, 1927.

Acts 1927, p. 284.

CERTAIN CITY BOARDS OF EDUCATION AUTHORIZED TO CREATE TEACHERS' RETIREMENT FUND

IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 493.)

(S. 442. Fite

AN ACT

To authorize the City School Board or City Board of Education, or by whatever name called, in all cities of this State having a population of more than one hundred thousand according to the last or any succeeding Federal census, to make rules and regulations for the retirement of teachers on part pay, to fix the maximum amount of such pension, and to prescribe the minimum length of service as a teacher in order to be eligible for such pension, and to provide for the payment of such pension out of the public school funds.

Be it Enacted by the Legislature of Alabama:

Section 1. That the City School Board or City Board of Education, or by whatever name called, in all cities of this State having a population of more than one hundred thousand according to the last or any succeeding Federal census, is hereby authorized and empowered to make reasonable rules and regulations for the retirement of teachers on part pay; provided, however, that a teacher, in order to be eligible to receive such pension, must have served as a teacher not less than thirty years, fifteen years of which service must have been in such city; and provided that such teacher is teaching in the schools of such city at the time such pension is applied for.

Section 2. Such pension or retirement allowance shall be paid out of the regular school funds monthly as salaries of other teachers are paid. Whenever a teacher has complied with the requirements of Section 1 hereof, such teacher may lay his or her case before said City School Board or City Board of Education or other school governing body in such city, and the said Board shall consider the case of said teacher; and if the said Board should find such applicant to be entitled

thereto, such teacher shall be entitled to receive a pension in such sum as such Board may deem proper, but in no event shall such pension exceed one-half of the annual salary of such teacher at the time of retirement.

Approved September 10, 1927.

Acts 1927, p. 566.

## TEACHERS OF PUBLIC AND PRIVATE SCHOOLS EXEMPT FROM JURY DUTY

IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 108:)

(H. 19. Darden

### AN ACT

To amend Section 8605 of the 1923 Code of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 8605 of the 1923 Code of Alabama be and the same is hereby amended to read as follows: Section 8605 (7245) (4986) (4301) (4734) (514) Persons Exempt from Jury Duty. The following persons are hereby exempt from jury duty, unless by their own consent: Judges of the several courts; attorneys at law during the time they practice their profession; officers of the United States; officers of the executive department of the State Government; sheriffs and their deputies; clerks of the courts and county commissioners: regularly licensed and practicing physicians, dentists or pharmacists; teachers of public or private schools while actively engaged in their profession; officers and regularly licensed engineers of any boat plying the waters of this state; train dispatchers, railroad station agents, telegraph operators when actually engaged and in charge of any office; regularly licensed embalmers while actually engaged in their profession, and rural and city or town mail carriers while engaged in their work.

Approved Feb. 21, 1927.

Acts 1927, p. 76.



SECTION 1545 CODE OF ALABAMA, ESTABLISHING  
COUNTY LIBRARIES, AMENDED

IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 90.)

(H. 47. Simpson

AN ACT

To amend Sections 1545 and 1547 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1545 of the Code of Alabama of 1923 be amended so as to read as follows: 1545. Libraries established by counties.—The court of county commissioners, the board of revenue or other governing body of the counties of this State may establish and maintain or aid in establishing and maintaining free public libraries for the use of the citizens of their respective counties, either separately or in connection with free public libraries or subscription libraries already established therein, or in connection with the public schools, and to that end may accept gifts, donations, and bequests of lands, buildings, or money therefor, and may make appropriations from the county treasury in support thereof in such sums as they may deem proper, not to exceed five thousand dollars annually; except that counties of one hundred and fifty thousand inhabitants or more may appropriate annually a sum not to exceed twenty thousand dollars.

Section 2. That Section 1547 of the Code of Alabama of 1923 be amended so as to read as follows: 1547. Powers and duties of library board.—The library board so created shall have full power and authority to control the expenditures of all funds received or appropriated for such libraries; to erect or rent buildings to cost not in excess of the funds available to them; to purchase books and equipment, to provide a system of circulating or traveling libraries; to elect a librarian and other employees, and otherwise to have full authority and power to manage and control the said library in

order to carry out the full intent and purpose of this article; and a careful and complete record and set of books shall be kept by the library board, showing the proceedings of their several meetings and the disbursement in detail of all funds expended by them. In counties where, in the city having the largest population, a free public library is already established and in operation, a separate county library board shall not be appointed, but the county libraries and the appropriations authorized shall be administered by the governing board of such free public library on such terms as may be agreed upon between the above named county authorities and the said governing board.

Approved Feb. 18, 1927.

Acts 1927, p. 69.

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**PROPERTY—INCOME FROM WHICH USED EXCLUSIVELY FOR EDUCATIONAL PURPOSES  
EXEMPT FROM TAXATION**

**IN THE LEGISLATURE OF ALABAMA**

REGULAR SESSION, 1927

No. 488.)

(S. 506. Ellis of Shelby

**AN ACT**

To advance the cause of education by exempting from taxation in this State all property, real and personal, by whomsoever owned, and whether assessed or not, during the entire time, including the current tax-year, the net income, rents and returns from which are used, or are to be used, exclusively for educational purposes in the State of Alabama other than for schools owned or controlled by any religious sect or denomination.

Be it Enacted by the Legislature of Alabama:

That there is exempted from taxation in this State all property, real and personal, by whomsoever owned, and whether assessed or not, during the entire time, including the current tax-year, the net income, rents and returns from which are used, or are to be used, exclusively for educational purposes in the State of Alabama, other than for schools owned or controlled by any religious sect or denomination.

Approved September 9, 1927.

Acts 1927, p. 564.

STATE INSTITUTIONS AUTHORIZED TO DISPOSE  
OF AND CONVEY ANY CONTINGENT INTEREST

IN THE LEGISLATURE OF ALABAMA

REGULAR SESSION, 1927

No. 29.)

(H. 172. Goodwyn

AN ACT

To authorize and empower any State Institution, including schools, colleges, and other educational institutions to dispose of and convey any contingent interest which such institution or institutions may have in any property, whether the same be derived through a will or otherwise, and to authorize such institution to execute the necessary conveyance or conveyances for such purpose.

Be it Enacted by the Legislature of Alabama:

Section 1. That any State institution including schools, colleges, or other education institutions which may own or be entitled to any contingent interest in any real estate, situated in the State of Alabama, whether such interest be derived through a will or otherwise, be and the same is hereby authorized to sell or otherwise dispose of such contingent interest upon such terms and for such price as the managing head of such institution may deem fair and just, provided that such sale shall be approved by the executive committee of the Board of Trustees, of such institution, if such institution has a Board of Trustees. And provided further that in the event such institution shall not have a Board of Trustees or there shall not be in existence, an executive committee of such Board of Trustees then such sale or disposition shall be approved by the Governor and the Attorney General.

Section 2. In the event of any such sale or disposition of any such interest such institution is hereby authorized and empowered to execute to the purchaser a conveyance or conveyances of such interest sold or disposed of, and the said conveyance or conveyances shall be executed in the name of such institution by the presiding officer of its Board of Trustees, or in the name of the State of Alabama, by the Governor of Alabama; and the execution of the same shall be attested by the Secretary of such Board of Trustees in the

event the same is executed by the presiding officer, of such Board of Trustees; or in the event that such conveyance is executed by the Governor the same shall be attested by the Secretary of State, and the seal of the State of Alabama shall be affixed thereto.

Approved Feb. 15, 1927.

Acts 1927, p. 32.

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**DESIGNATING STATE BIRD**  
**IN THE LEGISLATURE OF ALABAMA**  
**REGULAR SESSION, 1927**

No. 542.)

(H. 718. Martin

**AN ACT**

To designate the bird commonly called the Yellowhammer as the State Bird.

Be it Enacted by the Legislature of Alabama:

Section 1. That the bird commonly called the Yellowhammer is hereby designated the State Bird.

Section 2. This Act shall take effect upon its approval by the Governor.

Approved September 6, 1927.

Acts 1927, p. 542.

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**DESIGNATING STATE FLOWER**  
**IN THE LEGISLATURE OF ALABAMA**  
**REGULAR SESSION, 1927**

No. 541.)

(H. 717. Martin

**AN ACT**

To designate the Goldenrod as the State Flower of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. The Goldenrod is hereby designated the State flower.

Section 2. This Act shall take effect upon its approval by the Governor.

Approved September 6, 1927.

Acts 1927, p. 627.

ACTS RELATING TO EDUCATION CONTAINED IN  
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ALABAMA HOME FOR THE FEEBLE MINDED.  
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AMENDING SECTION 1464

No. 544.) (H. 459. Ward, of Tuscaloosa

AN ACT

To amend Section 1464 of the Code of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1464 of the Code of Alabama be, and hereby is, amended so as to read as follows: 1464. The Partlow State School for Mental Deficients Established.—There is created and established upon or near the grounds of the Bryce Hospital, near Tuscaloosa, Alabama, a school and home for mental deficients or inferiors as they may be hereinafter defined, and to be known as The Partlow State School for Mental Deficients.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be, and hereby are, repealed.

Approved September 6, 1927.

Gen. Acts 1927, p. 628.

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ALABAMA CODE, 1923.

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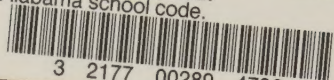
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Southern Methodist Univ.  
379.761A3165a, 1927  
Alabama school code.

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